



A REPORT BY
CITIZENS & LAWYERS INITIATIVE

DELHI RIOTS OF FEBRUARY 2020

CAUSES, FALLOUT AND AFTERMATH

PROLOGUE BY **JUSTICE B.N. SRIKRISHNA**

EDITED BY **CHANDER UDAY SINGH**

SENIOR ADVOCATE



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Front cover photo: Cars burning in Bhajanpura area, 24 February 2020. (Courtesy: NBT Dilli (@NBT Dilli)).

Back cover photo: Seven-year old Alina Azad in her Karawal Nagar home after it was burnt by a mob. (Courtesy: Shahid Tantray, photojournalist and Assistant Photo Editor, *The Caravan*).

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CONTENTS

PROLOGUE	7
INTRODUCTION.....	9
Methodology and Rationale	12
1. BRIEF CHORONOLOGY OF PRECEDING EVENTS	15
2. PRELUDE TO THE VIOLENCE AND EARLY WARNING SIGNS.....	23
2.1 The Citizenship Amendment Act, 2019;	24
2.1.1 CAA - NRC - NPR and the Architecture of Exclusion.....	25
2.1.2 Documents to Prove Citizenship.....	27
2.1.3 Potential Cut Off Dates for NRC	28
2.1.4 Key Concerns	28
2.2 Protests, Demands, and Resolutions	29
2.2.1 North-East.....	29
2.2.2 Delhi	31
2.2.3 Uttar Pradesh	40
2.2.4 Rest of the Country.....	43
2.2.5 Resolutions	45
2.3 Pro-CAA/NRC Marches, Rallies and Direct Action.....	47
2.4 Kapil Mishra in North-East Delhi.....	50
2.5 The Tale of Two Universities.....	53
2.5.1 Jamia Millia Islamia.....	53
2.5.2 Jawaharlal Nehru University: Attack Continues	58
2.6 Delhi Elections: A Reckless Communal Campaign	62
2.6.1 Incitement and Call to Action.....	63
2.6.2 Provocative Speeches Provided the Fertile Ground?	63
2.6.3 The Role of Election Commission	65
2.6.4 After BJP's Electoral Defeat.....	66
2.7 Instrumentalizing Social Media	67
2.8 Inaction, Impunity, and Escalation.....	70
3. THE DAYS OF VIOLENCE	75
3.1 Mobilising the Violence.....	76
3.1.1 WhatsApp Group Chronology - collated excerpts (time included where available)....	77
3.2 Local Vigilantism and Complicity.....	85

3.3 Fact – Finding Reports.....	87
3.4 Gender – Based Violence.....	90
3.4.1 Testimonies from Women	92
3.5 Sequence of Incidents as Violence Unfolded	96
3.5.1 February 23, 2020, Sunday.....	96
3.5.2 February 24, 2020, Monday	99
3.5.3 February 25, 2020, Tuesday	105
3.5.4 February 26, 2020, Wednesday	108
3.6 Immediate Aftermath	118
3.7 Property Damage	121
3.7.1 Damage caused to religious places	123
3.8 Post-Violence Testimonies	126
4. ROLE AND RESPONSE OF THE POLICE AND ADMINISTRATION	131
4.1 Police Response when the Violence Broke Out	135
4.2 Administrative Response.....	140
4.3 Police Apathy and Contribution to the Escalation of Violence	143
4.4 Post-Violence Conduct of the Delhi Police.....	147
4.4.1 Police’s Reactions to Complaints.....	147
4.5 Investigations Conducted	151
4.6 Charge-sheets and FIRs.....	153
4.7 Are Detentions and Arrests One Sided?	158
5. RELIEF AND REHABILITATION.....	181
5.1 Tedious Process	183
5.1.2 Gaps between Compensation Promised and Disbursed.....	185
5.1.3 Testimonies of the Victims	187
5.2 The Situation of Relief Camps.....	188
5.2.1 Why there were Few Takers of Relief Camps.....	191
5.2.2 Displaced twice	192
5.3 Role of Health System	193
5.3.1 Collapse of Health System during Riots	194
5.3.2 From Shaming to Inflicting Horrors	195
5.4 Fear and Displacement.....	199
4.4.1 Testimonies.....	199
6. SUMMARISING KEY POINTS	203
7. RECOMMENDATIONS.....	205
ANNEXURES	207

Annexure 1 – Profiles of the Deceased.....	207
Annexure 2 – Hospital Records - PMSF Fact-Finding Report.....	216
Annexure 3 – Open Letter from Julio Ribeiro, former DGP Gujarat, DGP Punjab, and Indian Ambassador to Romania, to S.N. Shrivastava, Commissioner, Delhi Police.....	222
Annexure 4 – Open Letter from nine eminent retired IPS officers endorsing the letter from Julio Ribeiro to S.N. Shrivastava, Commissioner, Delhi Police	223
Annexure 4 – Relevant excerpts from the Justice Hosbet Suresh Memorial Lecture delivered by Justice Ajit Prakash Shah (Retd.), former Chief Justice of the Delhi High Court and former Chairman of the Law Commission of India.....	225

हिरण्मयेन पात्रेण सत्यसापिहितं मुखं ।
तत्त्वं पूषन्नपावृणु सत्यधर्माय दृष्टये ॥

(The face of truth is covered by the golden vessel;
Oh Pushan, uncover it for the vision of truthful dharma)

—Ishavasyopanishad

“Truth is stranger than fiction, but it is because Fiction is obliged to stick to possibilities; Truth isn’t,” said Mark Twain epigrammatically. But, the nature of truth, has baffled philosophers all over the world for ages. Like the Holy Grail, it is envisioned differently by different persons in different times and tracts. People who pursue the truth single mindedly must of necessity tread the lonely path beset with travails and tribulations bereft of expectations of help from anyone except their conscience to guide them.

This version of the events during the violent incidents in Delhi during February 2020 is presented by a group of public-spirited people after dogged pursuit. Truth, at least in mundane matters, is inexorably related to the vision of the observer. When the State’s version of incidents becomes suspect and unacceptable due to trust deficit, it is imperative that an alternative version of the facts observed by the populace is also presented and publicized. This report is the culmination of such a collective effort. As to whether the material presented in this report represents facts, or mere perspective vision of the events, is for the reader to judge.

The narrative in the report, apparently based on material in the public domain and garnered from conversations with members of public, makes interesting reading. It is for the State apparatus enforcing the Rule of Law and the Constitutional machinery, as its sentinel, to objectively assess the trustworthiness of the facts narrated here and take necessary action to restore the faith of the citizens of this country in the Rule of Law.

With the heart rending experience gathered during the Commission of Inquiry that went into the riots and violent incidents in Mumbai during December 1992-January 1993, and the sense of apathy towards the victims of such riots that was clearly discernible there, I could not but get a feeling of *deja vu* while reading this report. It is time that the State machinery and Constitutional functionaries display greater seriousness in investigation of the causes of such riots and take appropriate steps to prevent their recurrence.

While one may not be in a position to validate all that is narrated in this book, one cannot but admire and commend the single-minded passion displayed by the authors in their attempt to lay bare what they believe to be the true facts.

— B. N. Srikrishna

Mumbai,
September 21, 2020

INTRODUCTION

In the fateful week of 23 February 2020, communal violence engulfed north-east Delhi killing 53 individuals, injuring at least 473 civilians, destroying property worth hundreds of crores, displacing thousands, and laying ruin to lives and livelihoods. Unleashed against the backdrop of widespread protests against the Citizenship Amendment Act, 2019 (CAA), the violence led to the initial arrest of 1330 accused in 751 cases,¹ with early reports suggesting that 700 of those arrested were Muslims, while 630 were Hindus;² by mid-July, a Delhi Police affidavit filed in the Delhi High Court disclosed the then tally of arrests as 1430.³

The ‘narrative’ and ‘chronology’ in charge-sheets filed by the Delhi Police seeks to establish that the genesis of the violence was a concerted and preplanned conspiracy by anti-CAA protestors to defame the Narendra Modi-led government during the impending visit of US President Donald Trump; it is alleged that the violence, death and destruction was a consequence of these nefarious designs by persons who planned and orchestrated the anti-CAA protests at Shaheen Bagh and other places; and the appalling toll of human lives and livelihoods, and destruction of properties, is sought to be explained by painting a picture of ‘Muslim provocation’ leading to ‘Hindu retaliation’.⁴

This chronology overlooks numerous significant events that preceded and also accompanied the violence, not least of which is the complete omission to mention several key leaders of the Bharatiya Janata Party (BJP), which not only heads the Central Government, but also directly controls and supervises the Delhi Police; this despite their incendiary speeches, their contemporaneous posts on Facebook and other social media platforms, and the presence of some of them immediately before and even during the violence and blood-letting, broadcast by television channels and recorded on cameras,⁵

¹ Staff Reporter. (16 May 2020). 1,300 persons arrested for north-east Delhi riots: police. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/1300-persons-arrested-for-north-east-delhi-riots-police/article31604364.ece> [29 July 2020].

² Bhardwaj, A. (04 June 2020). 20 Hindus named in fresh Delhi riots charge sheets for killing 2 Muslim brothers. *The Print*. Retrieved from <https://theprint.in/india/20-hindus-named-in-fresh-delhi-riots-charge-sheets-for-killing-2-muslim-brothers/435724/> [29 July 2020].

³ Venugopal, V. & ET Bureau. (17 July 2020) Northeast Delhi violence: Police biased, didn't stop riots, says Delhi Minority Panel. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/police-biased-didnt-stop-riots-delhi-minority-panel/articleshow/77007065.cms> [15 September 2020]

⁴ Menon, A. (12 June 2020). Delhi Riots: New Charge Sheets Push ‘Hindu Retaliation’ Narrative. *Quint*. Retrieved from <https://www.thequint.com/news/breaking-news/delhi-communal-violence-charge-sheets-hindu-muslim-caa-police> [14 July 2020].

⁵ Menon, A. (12 June 2020). Delhi Riot: Chronology in charge sheet omits Kapil Mishra’s speech. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/kapil-mishra-delhi-police-charge-sheet-maujpur-jafrabad-violence> [15 September 2020]

quite brazenly triggering communal hatred and inciting the mobs.⁶ Multiple news reports both during the days of violence and afterwards highlighted police inaction to stem the violence during the three days from 23 February, coupled with incidents demonstrating police complicity with looters and arsonists, and a clear sense of impunity on part of the police force.⁷ Surprisingly, the extensive television coverage during those days, the midnight intervention by the Delhi High Court which compelled Police to belatedly remove roadblocks by violent rioters who were preventing evacuations of grievously wounded Muslim victims, and visual evidence of the asymmetrical and disproportionate deaths, injuries, destruction and displacement suffered by the minority community, is largely airbrushed out of the Police narrative.⁸

The riots followed closely on the heels of a charged Delhi election campaign which saw the Aam Aadmi Party retain power with a decisive majority. In the aftermath, senior BJP leaders admitted that vitriolic speeches made by the main campaigners hurt the party's chances in the elections.⁹ In fact, the BJP's Delhi election campaign focused almost exclusively upon the issue of CAA, questioning the credibility of anti-CAA protests, and ascribing anti-national and ulterior motives to the protesters.¹⁰ The campaign speeches equated the Muslim identity of most protestors with infiltrators, illegal migrants, and hostile forces like Pakistan, thereby delegitimizing dissent by our own citizens, excluding them from the ambit of democratic debate and dialogue, and "othering" them in the eyes of their fellow citizens.^{11,12}

⁶ Naqvi, A. & Dwivedi, S. (5 March 2020). New videos surface of shooters in Delhi violence, but cops say yet to probe. *NDTV*. Retrieved from <https://www.ndtv.com/delhi-news/delhi-violence-new-videos-surface-of-shooters-in-delhi-violence-but-cops-say-yet-to-probe-2190307> [15 September 2020].

⁷ Bajoria, J. (17 July 2020). India's police found complicit in anti-Muslim mob violence. *Human Rights Watch*. Retrieved from <https://www.hrw.org/news/2020/07/17/indias-police-found-complicit-anti-muslim-mob-violence> [16 September 2020].

⁸ Singh, P. P. (26 February 2020). In midnight hearing, Delhi High Court orders evacuation of injured from Mustafabad's Al-Hind Hospital *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/in-unprecedented-midnight-hearing-delhi-hc-judge-orders-at-immediate-evacuation-of-the-injured-from-al-hind-hospital-at-mustafabad-6286865/> [15 September 2020]

⁹ Sanyal, A. (14 February 2020). Statements Like "GoliMaaro" Shouldn't Have Been Made: Amit Shah On Delhi Loss. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/after-bjps-delhi-defeat-amit-shah-says-statements-like-goli-maaro-should-not-have-been-made-press-tr-2179778> [29 July 2020].

¹⁰ Mishra, A. (01 January 2020). Anti-CAA protests: BJP's new arsenal for Delhi polls. *Deccan Herald*. Retrieved from <https://www.deccanherald.com/assembly-election-2019/anti-cao-protests-bjps-new-arsenal-for-delhi-polls-790574.html> [29 July 2020].

¹¹ Singh, S. (04 February 2020). BJP's Delhi poll campaign song taps into anger against anti-CAA protests; those accusing it of spreading hate are being hypocritical. *FirstPost*. Retrieved from <https://www.firstpost.com/politics/bjps-delhi-poll-campaign-song-taps-into-anger-against-anti-cao-protests-those-accusing-it-of-spreading-hate-are-being-hypocritical-8001541.html> [29 July 2020].

¹² HT Correspondent. (23 January 2020). 'Pakistan has entered Shaheen Bagh': BJP's Kapil Mishra raises political temperature in Delhi. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/assembly-elections/delhi-assembly-elections-2020-pakistan-has->

Analysing and recognising the immediate and proximate causes helps to understand the creation of an environment that fostered appalling violence, in which unchecked mobs were allowed to run amok for 3 days before being reigned in. Vibhuti Narain Rai, former Director General of Police in U.P. who initiated the prosecution in the Hashimpura custodial massacre of 42 Muslims by the Provincial Armed Constabulary, once said that any riot can be controlled in 24 hours unless the state wants it otherwise. It does appear that in February 2020 the state wanted it otherwise. The arson, destruction, and killings in north-east Delhi helped to divert attention from the government-citizen stalemate over the CAA, and provided a fresh content to television news cycles that elided citizens' demands in protests against the law.

The days of violence saw the protestors' call for emancipation - *azaadi*- being transformed into a majoritarian war-cry to mete out murder, torture, and retribution; shockingly, members of the Police force reportedly taunted victims of violence and police torture with the words, "Azaadi maangte the na, Yeh lo azaadi [you asked for freedom, here it is]".¹³ This was compounded by social media playing a significant role in mobilising kill mobs, spreading rumour, and misinformation.

The aftermath of the violence saw 185 homes, 468 shops, 19 places of worship, and at least 747 vehicles being gutted or badly damaged, as per an affidavit filed by the Police in the Delhi High Court on 13 July 2020, apart from many Rehris (hand-carts) and some Ghoda-Gadis (horse carts).¹⁴ Though the affidavit takes pains to try and minimize the destruction and arson suffered by Muslims, and seeks to suggest that both Hindus and Muslims suffered, analysis reveals that 40 out of 52 civilian deaths (apart from a Head Constable who died of gunshot injuries), 85-90% of homes destroyed, 80-85% of shops destroyed, and destruction of the vast majority of vehicles, were suffered by the Muslims.¹⁵ An indication of the disproportionate impact of the violence is provided by the fact that the 1000 people who sought refuge in a relief camp organized at Mustafabad Idgah, and uncounted others who fled to their villages or took shelter in 9 smaller relief camps organized by the Delhi Government, were almost exclusively Muslim.¹⁶

In the loot and arson, several victims lost all documentation, life savings, and means of livelihood. In the immediate aftermath of the violence on 27 February 2020, Delhi Chief

entered-shaheen-bagh-bjp-s-kapil-mishra-raises-political-temperature-in-delhi/story-tqbMPPrksrxXLfvqIezRmqK.html [29 July 2020].

¹³ Barton, N. & Srivastava, S. (3 March 2020). 'They Took Down Their Pants, Pointed Their Genitals at Us, and Said, 'Yeh Lo Azaadi''. *The Wire*. Retrieved from <https://thewire.in/women/delhi-riots-women-sexual-harassment> [15 September 2020]

¹⁴ Dey, A. (03 March 2020). 122 homes, 301 vehicles damaged in Delhi riots, says interim damage report. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/delhi-riots-122-homes-301-vehicles-damaged-in-mayhem/story-yUqXEVoYZ9Ekm0HpZ1Skl.html> [29 July 2020].

¹⁵ *Ibid.*

¹⁶ *Ibid.*

Minister Arvind Kejriwal announced compensation of Rs. 10 lakh to the family of each adult deceased, Rs. 5 lakh as ex gratia to families who lost a minor member, and Rs. 2 lakh to those seriously injured.¹⁷ The violence which led to large scale displacement of minority families in the area was later compounded by the social distancing norms mandated as a public health and safety measure due to the coronavirus pandemic.¹⁸ This led to a second displacement, with shelter homes and relief camps being cleared out after 24 March 2020, forcing victims to search for other shelters, or to return to their burnt homes in areas that remained communally charged.¹⁹

Methodology and Rationale

This report is an effort to traverse published reportage on the Delhi violence in order to piece together multiple pieces of evidence into a credible narrative of the events. It is based upon, and recognizes, the work done by published fact-finding initiatives in the public domain, as well as contemporaneous news reports during the days of the violence as well as in its aftermath. An effort was made to gather information solely from unimpeachable and publicly available news sources. The opportunity to collate and analyse these reports with the luxury of time gave the research team the opportunity to identify and determine the genesis, and emergence of patterns in the unfolding of incidents and events.

The aftermath of the Delhi violence has left many questions unanswered even as the victims await justice. Extensively covered by mainstream news and online media, the violent outbreak that engulfed North-East Delhi for 4 days remained entangled within multiple narratives, claims, and counter-claims within the ensuing investigation. This was compounded by arrests made and charge-sheets filed that put forward an interpretive and narrativized chronology of events leading up to the riots, which appeared to be divorced from hard evidence to substantiate such claims. The credibility of Delhi Police's narrative came to be further undermined when contrasted with television and print reportage that showed not only police apathy, but actual complicity in the violence, destruction of CCTV cameras and recorders by the Police, and Police atrocities against gunshot-wounded Muslim youth lying on a roadside, one of whom subsequently died; and their credibility

¹⁷ Press Trust of India. (27 February 2020). Delhi violence: Kejriwal announces Rs 10 lakh compensation for deceased's family; lists out peace initiatives. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/delhi-violence-kejriwal-announces-rs-10-lakh-compensation-for-deceaseds-family-lists-out-peace-initiatives/article30934331.ece> [29 July 2020].

¹⁸ Lalwani, V. (23 April 2020). Coronavirus: Two months after Delhi violence, victims struggle for food, compensation amid lockdown. *The Hindu*. Retrieved from <https://scroll.in/article/959952/coronavirus-two-months-after-delhi-violence-victims-struggle-for-food-compensation-amid-lockdown> [29 July 2020].

¹⁹ Bhalla, A. (27 March 2020). Charred houses, layers of dust: Delhi riot victims return home due to coronavirus outbreak. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-riot-victims-return-home-burnt-coronavirus-relief-camp-shut-1660503-2020-03-27> [29 July 2020].

was left in tatters when an Additional Sessions Judge remarked on May 29, after studying the Case Diary, that the investigation seems to be targeted only towards one end, and that the Inspector was unable to tell the court “what investigation has been carried out so far regarding the involvement of the rival faction”. Observations made by some Judges of the Delhi High Court, and an open letter addressed by the celebrated Police veteran Julio F. Ribeiro to Delhi’s Commissioner of Police, which was soon followed by nine other senior IPS veterans, add to the sense of disquiet, and the feeling that a Kafkaesque inversion of truth and justice is being attempted.

Looking back at the events preceding the violence throws up in sharp relief the discrepancies between the inclusion and exclusion of certain names and events, thereby demonstrating the high level of political parallelism within the investigative process. The irreconcilable differences made it imperative to look at the extensive coverage of the violence in an attempt to uncover common links and missing threads. The decision to base this report solely on secondary research was with the aim to take a step back and study the breadth of evidence and reportage already existing on the topic. This was done in order to arrive at a comprehensive analysis of the violence and the factors behind its triggers, escalation, and the failure of law and order. This report is also an attempt to aggregate the significant work done by fact-finding initiatives to gather primary evidence, the ongoing news coverage on the investigation, and the due process of access to justice.

The Delhi violence and its immediate aftermath was marked by images, videos, and reporting of incalculable suffering of individuals and communities. Apart from bodily harm and torture inflicted upon victims, the violence appears to have wreaked debilitating symbolic and psychological damage through the destruction of mosques, torching of homes, looting, and destruction of vehicles; and to create a continuing climate of fear, where loss of life savings and livelihoods would continue to traumatize victims long after physical wounds have healed. Further, in the ensuing political and administrative response as well as the investigations that ensued there seemed to be interpretive overreaching in some instances, while consciously ignoring others, which necessitated the present analysis and report. The selective air-brushing and obliteration in the official response emphasized the need to take a holistic view of all aspects, and to piece together the incidents, actions, and responses in order to understand where the due process of public order stands undermined, and where the hope for its restoration remains strongest.

Towards this end, Chapter 1 – *Brief Chronology of the Preceding Events* attempts to set out all relevant events prior to 23 February 2020; Chapter 2 – *Prelude to the violence and early-warning signs* analytically looks at the proximate causes, catalysts, and triggers of the violence; Chapter 3 – *The days of violence* attempts to piece together the multiple facets of the violence i.e. mobilising the violence, use of social media, local vigilantism and complicity, gender-based violence, Delhi Police chronology, day-wise grouping of incidents, the immediate aftermath, and property damage; Chapter 4 – *Police and*

administrative response looks at the role of the police and the administration in response to the violence; while Chapter 5 - *Relief and Rehabilitation* looks at the gaps between promised and actual relief and rehabilitation efforts.

– Chander Uday Singh
Editor

New Delhi,
September 21, 2020

1. BRIEF CHORONOLOGY OF PRECEDING EVENTS

- **4 DECEMBER 2019:** The Citizenship (Amendment) Bill, 2019 (the CAB) was cleared by the Union Cabinet for introduction in the Parliament, post which violent protests erupted in Assam, in which 5 people died in clashes and a total of 573 people were arrested, of which 384 were granted bail, while 184 were still in jail as on 3 March 2020.
- **11 DECEMBER 2019:** The CAB was passed by the Parliament.
- **12 DECEMBER 2019:** The Bill received President's assent and became the Citizenship (Amendment) Act, 2019, better known as the CAA, clearing the ground for preparation of the National Population Register, which had already been gazetted on 31 July 2019, and its progeny, the National Register of Citizens, or NRC, which the Union Home Minister had announced would be made for all of India.²⁰
- **13 DECEMBER 2019:** Jamia Teachers Association (JTA) gave a call for a protest-march to oppose the CAA and NRC. The march was to start from the university campus leading upto the Parliament. Hundreds of students of Jamia Millia Islamia University joined the protest march.²¹ After the call for the protest march, the police started blocking the protestors at the university campus itself. This led to a clash between students and police, with students alleging that the police had used batons and tear gas shells on peaceful marchers; however the police denied allegations of using excessive force on students who were unarmed. The clash, which turned violent, continued for nearly two hours, causing serious injuries to at least 12 to 13 students and police even detaining 50 students. These events eventually led to the postponement of semester examinations,²² which had been scheduled by Jamia administration on 14th December 2019.²³

²⁰ Chaturvedi, R. M. & ET Bureau. (21 November 2019). Amit Shah says NRC to be across India, J&K situation normal. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/nrc-process-to-be-carried-out-in-entire-country-home-minister-shah-in-rajya-sabha/articleshow/72141784.cms> [7 September 2020].

²¹ Ibrar, M. (13 December 2019). Citizenship Amendment Act protests in Delhi: 50 Jamia Millia Islamia students detained after clash with cops. *The Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/delhi-jamia-millia-islamia-students-clash-with-police-after-march-opposing-cab-stopped/articleshow/72526897.cms> [28 July 2020].

²² Sarfaraz, K. (14 December 2019). Jamia postpones semester exams midway, after violent protests. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/education/jamia-postpones-semester-exams-scheduled-today-due-to-citizenship-bill-protest/story-XeiSFSE9swq9VoQdn1XB2J.html> [28 July 2020].

²³ Press Trust of India. (13 December 2019). Jamia Millia students & Delhi Police clash amid protests over citizenship law, around 50 detained. *The Print*. Retrieved from <https://theprint.in/india/jamia-millia->

- **14 DECEMBER 2019:** One side of the central verge of the GD Birla Highway near Kalindi Kunj, a 6-lane stretch connecting Delhi, Noida and Faridabad was occupied by women of Shaheen Bagh in the afternoon of 14th December 2019, launching a sit-in to protest against the CAA 2019 and impending NRC.²⁴ For a total of 101 days that followed, the women of Shaheen Bagh occupied that side of the Road until 24th March 2020, when public gatherings were restricted in Delhi to prevent the spread of COVID-19.²⁵ The continuous and peaceful 24/7 protest by the women of Shaheen Bagh, who sat through the bitterly cold nights of December-January, became a rousing template for protests against the CAA/NRC throughout India.^{26,27,28} To counter this, the Shaheen Bagh protest was sought to be muddied by misinformation, fake news and propaganda peddled on social media. For instance, a BJP leader and head of its IT Cell, Amit Malviya, tweeted a video on 15 January 2020 claiming that the women protestors at Shaheen Bagh were being paid Rs. 500-700 each to sit in the protest.²⁹ This claim was later exposed as fake by independent fact-checkers.³⁰

With the Delhi elections nearing, the Shaheen Bagh protest became an issue of contention amongst political parties. Top leaders of the BJP in particular, such as Amit Shah,³¹ Yogi Adityanath and others including Pravesh Verma, appeared to make Shaheen Bagh the centerpiece of their campaign speeches, targeting protestors by openly communal hate speech and thinly veiled calls for retributive action.³²

students-delhi-police-clash-amid-protests-over-citizenship-law-50-detained/334918/ [28 July 2020].

²⁴ Salam, Z. (04 April 2020). Shaheen Bagh protesters: Showing the way. *Frontline*. Retrieved from <https://frontline.thehindu.com/the-nation/article31249472.ece> [28 July 2020].

²⁵ *Ibid.*

²⁶ Chattopadhyay, S. S. (28 February 2020). Kolkata's Shaheen Bagh: *Frontline*. Retrieved from <https://frontline.thehindu.com/the-nation/article30800912.ece/> [08 September 2020].

²⁷ DNHS, Bengaluru. (16 March 2020). Bengaluru: Coronavirus can't stop us, say Bilal Bagh protesters: *Deccan Herald*. Retrieved from <https://www.deccanherald.com/city/bengaluru-coronavirus-can-t-stop-us-say-bilal-bagh-protesters-814124.html/> [08 September 2020].

²⁸ Ghazali, M. (20 February 2020). Punjab's biggest anti-citizenship law protest held in Malerkotla: *NDTV*. Retrieved from <https://www.ndtv.com/india-news/punjab-biggest-anti-citizenship-law-protest-held-in-malerkotla-2182815/> [08 September 2020].

²⁹ Tiwari, A. Patel, J. (06 February 2020). Truth about "sting" claiming Shaheen Bagh women were paid Rs 500: *Alt News-NewsLaundry* joint investigation. *Alt News*. Retrieved from <https://www.altnews.in/truth-about-sting-claiming-shaheen-bagh-women-were-paid-rs-500-alt-news-newslaundry-joint-investigation/> [18 July 2020].

³⁰ Tiwari, A. Patel, J. (06 February 2020). Truth about "sting" claiming Shaheen Bagh women were paid Rs 500: *Alt News-NewsLaundry* joint investigation. *Alt News*. Retrieved from <https://www.altnews.in/truth-about-sting-claiming-shaheen-bagh-women-were-paid-rs-500-alt-news-newslaundry-joint-investigation/> [18 July 2020].

³¹ Lakhwani, N. (08 February 2020). After polarising campaign, Shaheen Bagh goes to vote amid heavy security. *Indian Today*. Retrieved from <https://www.indiatoday.in/elections/delhi-assembly-polls-2020/story/delhi-elections-shaheen-bagh-goes-to-vote-amid-heavy-security-1644404-2020-02-08> [28 July 2020].

³² Chatterji, R. (28 January 2020). Hate Speech: Shaheen Bagh Protesters Will Rape, Kill Your Sisters, Says BJP >>

- **15 DECEMBER 2019:** The locals of Jamia Nagar (area where Jamia Millia Islamia University is located) had called for a protest-cum-march against the CAA. On marching towards the Parliament, the protestors were stopped near the New Friends Colony (Mathura Road). Public and private vehicles were torched, allegedly by the protestors, though contemporaneous reports suggested that outsiders aided by the Police indulged in this arson.³³ Under the pretext of chasing down the protestors, the Delhi Police cracked down on Jamia Millia Islamia students, and were caught on camera severely assaulting students, vandalizing the University Library, and smashing CCTV cameras. Waseem Khan, the Chief Proctor of the university, said the police had “entered” the campus by force and the students along with the staff members were beaten up and were forced to leave the campus. In the clash, hundreds of people including police personnel got injured.³⁴

Two cases of arson and rioting were registered by the police and they detained more than 50 students of the University as well as residents of Haji Colony and Batla House of Jamia Nagar in three police stations- Kalindi Kunj, Jamia Nagar and Kalkaji.³⁵ The students were allegedly dragged by the police from the library and mosque, and were even assaulted. Students were taken out from the Central Library with their hands raised up in the air. It has been alleged that police physically and mentally tortured women students and also used communal slurs. However, the Delhi Police opposed the setting up of the Special Investigation Team [SIT] which was supposed to probe into the violence, by saying that it would “amount to supplanting the law”. Police were recorded on cameras smashing tables, chairs and CCTV cameras.³⁶ According to an estimate submitted by the university to the Ministry of Human Resource Development (MHRD), 25 CCTV cameras worth Rs 4.75 lakh were destroyed.³⁷

MP Parvesh Verma. *HuffingtonPost*. Retrieved July 28, 2020, from https://www.huffingtonpost.in/entry/shaheen-bagh-parvesh-verma-delhi-election-2020_in_5e2fb918c5b6ce51a4eac9bd [22 July 2020].

- ³³ Gunasekar, A. (16 December 2019). “Cops were dousing the Fire”: Officer on Viral Video of Delhi Clashes. *NDTV*. <https://www.ndtv.com/india-news/jamia-millia-islamia-delhi-protest-police-rubbishes-video-of-cops-allegedly-setting-buses-on-fire-2149365> [4 August 2020].
- ³⁴ Express Web Desk. (15 December 2019). After violence during CAA protest, police storm Jamia Millia Islamia campus, beat up students. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-police-lathicharge-tear-gas-students-on-jamia-millia-islamia-campus-6168540/> [28 July 2020].
- ³⁵ Sharma, K. & Bhardwaj, A. (16 December 2019). Jamia students’ protest was peaceful, violence started ‘after local residents entered university’. *The Print*. Retrieved from <https://theprint.in/india/jamia-students-protest-was-peaceful-violence-started-after-local-residents-entered-university/335768/> [28 July 2020].
- ³⁶ Shankar, A. & Manral, S. M. (17 February 2020). Day after Jamia assault video, new footage shows personnel breaking CCTV in library. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/day-after-jamia-assault-video-new-footage-shows-personnel-breaking-cctv-in-library/> [19 August 2020].
- ³⁷ Shankar, A. (27 February 2020). 25 broken CCTVs in Jamia’s Rs 2.66-crore damage bill to HRD. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/jamia-violence-police-cctv-hrd->

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- 20 DECEMBER 2019:** Despite the imposition of section 144 in Delhi, there was a pro-CAA rally and march organised in the city's Connaught Place, where BJP Leader Kapil Mishra raised infamous slogan "*Desh ke Gaddaron ko, Goli maaro saalon ko* [Shoot the traitors]".³⁸ Kapil Mishra drew a comparison between the students of Jamia University and Aligarh Muslim University with ISIS, an Islamic terror outfit. When questioned by Indian Express on these speeches he stated: "Our slogans have not instigated anyone to indulge in violence. Has anyone killed or threatened people? Those who are questioning me don't have the courage to question those who are setting buses on fire and hitting policemen".³⁹ Later several rallies were held by BJP and its allied organisations in different parts of the country, purportedly in support of the CAA amendments, but in fact only targeting those opposing the law by branding them anti-national or traitors, and threatening to "shoot them like dogs", "bury them alive", wipe them out in an hour, make their mosques vanish, and face them with a repeat of the Gujarat riots.⁴⁰ The rallies were filled with incendiary slogans "*Desh ke Gaddaron ko, Goli maaro saalon* [Shoot the traitors]".⁴¹
- 05 JANUARY 2020:** The Citizen Amendment Act had been criticized by JNU students, with its students' union (JNUSU) even participating in several protests. Prior to this there was a protest against the hostel fee hike that was announced on 13 November 2019, which led to students refusing to write their semester exams. Late in the evening of 5th January 2020, a masked group of at least a dozen young men and women armed with steel rods, wooden clubs and the like entered the JNU campus, chanting "Jai Shri Ram" [Hail Lord Ram], a common greeting in North India which has now become a battle cry for far-right Hindu Nationalists of the country. These masked intruders launched a vicious attack causing mayhem for over two hours in the Sabarmati Hostel and some other parts of the campus, inflicting serious injuries on 42 students and teachers, including the President of JNUSU. The seriously injured were admitted to the All India Institute of Medical Science [AIIMS] and were discharged the next day. In marked contrast to their actions in Jamia, where Delhi Police barged into the Campus

6274992/[18 August 2020].

³⁸ Web Desk. (21 December 2019). 'Shoot traitors' slogan at pro-CAA march: BJP's Kapil Mishra defiant. *The Week*. Retrieved from <https://www.theweek.in/news/india/2019/12/21/shoot-traitors-slogan-at-pro-cao-march-bjp-kapil-mishra-defiant.html>[14 July 2020].

³⁹ Express News Service. (22 December 2019). Has anyone killed people: Kapil Mishra on shoot-the-traitors slogan. Indian Express. Retrieved from <https://indianexpress.com/article/cities/delhi/has-anyone-killed-people-kapil-mishra-on-shoot-the-traitors-slogan/> [14 July 2020].

⁴⁰ Sebastian, M. (16 January 2020). 'Don't you remember Gujarat?': Hate speech reigns at BJP's Pro-CAA Events: Huffington Post. Retrieved from https://www.huffingtonpost.in/entry/gujarat-riots-kerala-cao-rally-bjp-hate-speech_in_5e1fe469c5b674e44b9265e6/ [08 September 2020].

⁴¹ Jain, A. (23 December 2019). Pro-CAA Rallies Trigger Widespread Anger With Incendiary Slogans. HuffingtonPost. Retrieved from https://www.huffingtonpost.in/entry/anger-slogans-pro-citizenship-amendment-act-rallies_in_5e005f3ae4b05b08bab79f4f[14 July 2020].

without official permission, severely assaulted students on the pretext of chasing miscreants who had allegedly taken refuge in the Campus, destroyed the library and beaten students who were studying, the Police were mute spectators at JNU, and were even caught on camera appearing to escort the masked attackers and giving them safe passage out of JNU's Campus, perhaps because they were members of the BJP's student wing, the ABVP.⁴²

- **25 JANUARY 2020:** In the run-up to the Delhi election, as part of BJP's electoral campaign, Home Minister Amit Shah centre-staged the issue of Shaheen Bagh. Addressing a massive gathering of the BJP's social media volunteers at Jawaharlal Nehru Stadium, Shah summarized the types of facilities, amenities and developments the BJP wanted, and that they wanted a city which would never have a Shaheen Bagh. He followed this up by exhorting the social media volunteers to ensure that they, along with their family members, press the Lotus button (the BJP's electoral symbol) so hard on the morning of 8 February, that by the same evening the protesters at Shaheen Bagh have no option but to get up and leave.⁴³
- **26 JANUARY 2020:** Once again at an election rally held in North-East Delhi's Babarpur, Home Minister Amit Shah said, "When you give your vote in the coming elections, press the button so hard and with such anger, that the current reaches Shaheen Bagh."^{44, 45}
- **27 JANUARY 2020:** Union Minister of State for Finance, Anurag Singh Thakur, while campaigning for a BJP candidate in Rithala, Delhi, repeatedly raised the slogan '*desh ke gaddaron ko*', exhorting the crowd to fill in the second line of the hate verse, '*goli maaro saalon ko*', which roughly translates to 'What do the country's traitors get? Gun down the #&*@# [expletive deleted]'.⁴⁶ The refrain was from the Kapil Mishra's rally held on 20 December 2019.

⁴² Sebastian, A. (07 January 2020). ABVP Leader Admits on Live TV Its Members Were Asked To Carry Rods, Pepper Spray, Acid. Huffington Post. Retrieved from https://www.huffingtonpost.in/entry/abvp-leader-admits-its-members-were-asked-to-carry-rods-pepper-spray-acid_in_5e143d81e4b0843d3618220d [08 September 2020].

⁴³ Rajput, A. (26 January 2020). Vote for us to rid Delhi of Shaheen Bagh: Amit Shah. Indian Express. Retrieved from <https://indianexpress.com/article/cities/delhi/vote-us-to-rid-delhi-of-shaheen-bagh-amit-shah-6235594/> [08 September 2020].

⁴⁴ PTI. (27 January 2020). Push EVM button on 8 Feb with such anger that Shaheen Bagh feels current: Shah. Livemint. Retrieved from <https://www.livemint.com/politics/news/push-evm-button-on-8-feb-with-such-anger-that-shaheen-bagh-feels-current-shah-11580066580137.html> [08 September 2020].

⁴⁵ Tiwari, A. (27 January 2020) In BJP's Delhi campaign, 'Hindu samrat' Amit Shah sells Kashmir, Ayodhya, JNU and CAA. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/01/27/in-bjps-delhi-campaign-hindu-samrat-amit-shah-sells-kashmir-ayodhya-jnu-and-caa> [23 July 2020].

⁴⁶ *India Today* Web Desk. (February 26 2020). Delhi violence: Four video clips that court made cops watch. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-four-videos-clips-that-court-made-cops-watch-1650273-2020-02-26> [26 July 2020].

- **28 JANUARY 2020:** BJP leader and Member of Parliament from West Delhi, Parvesh Verma in an interview given to ANI, compared the protestors against the CAA-NRC with the militants of Kashmir. He said, “*they will enter your house...abduct your sisters and mothers, rape them, kill them the way militants had treated Kashmiri Pandits*”. He added, “*Lakhs of people gather there (Shaheen Bagh) and this fire can anytime reach households of Delhi...people of Delhi need to think about it and decide. These people will enter your house, will abduct your sisters and mothers, rape them, kill them, that’s why today is the moment.*”⁴⁷
- **30 JANUARY 2020:** Just a couple of days after the speeches by key leaders of the ruling party inciting people to take up arms against peaceful protesters, a teenager named Rambhakt Gopal shot at protestors from Jamia Millia Islamia near the university campus, in full sight and presence of a large police contingent, which was seen on television just standing around for several minutes while Gopal waved his pistol in the air, repeatedly pointed it at the unarmed marchers, and shouted threats. He finally shot directly at the protestors who were marching towards Rajghat on the occasion of Gandhi’s death anniversary, and even as he fired, the boy shouted: “*Yeh lo azaadi*” [Here’s the freedom you are asking for],⁴⁸ thereby transmuting the rallying cry of freedom from oppression into a war cry of reprisal. One of the marching students suffered a direct hit and was injured, but providentially it was on his hand.
- **31 JANUARY 2020:** The shooting on 30 January was followed the very next day by a round of firing by one Kapil Gujjar at the peaceful protestors of Shaheen Bagh. While opening fire, Gujjar, a resident of Dallupura village in East Delhi, proclaimed, “*Iss desh mein kisi ki nahin chalegi, sirf Hinduon ki chalegi.* (In this country, no one but Hindus can have their say).”⁴⁹ Once again, providentially, there were no fatalities or serious injuries.
- **1 FEBRUARY 2020:** Yogi Adityanath, Chief Minister of Uttar Pradesh and a key campaigner for the BJP during the Delhi elections, insinuated that the Shaheen Bagh protests were a paid conspiracy master-minded by India’s external enemies. His rhetoric revolved around Shaheen Bagh, Pakistan, terrorism, biryani, bullets, and Kashmir. At a campaign rally, he said that “*Those who supported terrorists in Kashmir have come and sat on a dharna in Shaheen Bagh against the CAA and are raising slogans of azadi.*” The crux of his speech was, “*boli ki bhasha nahi manenge toh goli ki*

⁴⁷ Arnimesh, S. (February 07 2020). Amit Shah, Adityanath, Anurag Thakur - 5 most provocative speeches of Delhi elections. Retrieved from <https://theprint.in/politics/amit-shah-adityanath-anurag-thakur-5-most-provocative-speeches-of-delhi-elections/361052/> [26 July 2020].

⁴⁸ Scroll Staff. (01 February 2020). Delhi: Gunman opens fire in Shaheen Bagh, two days after Jamia shooting. *Scroll.in*. Retrieved from <https://scroll.in/latest/951841/delhi-gunman-opens-fire-in-shaheen-bagh-days-after-jamia-shooting> [15 July 2020].

⁴⁹ Ojha, A. (01 February 2020). Shaheen Bagh firing: Shooter shouts sirf Hinduon ki chalegi, detained. *Indian Today*. Retrieved from <https://www.indiatoday.in/india/story/shaheen-bagh-shooting-anti-cao-protest-violence-delhi-police-protesters-1642353-2020-02-01> [22 July 2020].

bhasha samjhenge” (those who don’t understand words, will surely understand the language of the bullet).⁵⁰ The areas traversed by Shah and Adityanath included neighbourhoods that later formed the ground zero of the Delhi violence.

- **23 FEBRUARY 2020:** Kapil Mishra gave a call to his supporters on social media at around 12 noon to gather in large numbers at Maujpur Chowk to give an answer to the protesters blocking the road in Jaffrabad. A couple of hours later, standing right next to North East Delhi’s Deputy Commissioner of Police, Ved Prakash Surya, he issued a 3-day ultimatum to clear the road or they would take it upon themselves to do so. “They (protesters) want to create trouble in Delhi. That’s why they have closed the roads. That’s why they have created a riot-like situation here. We have not pelted any stone. Till the US President is in India, we are leaving the area peacefully. After that we won’t listen to you (police) if the roads are not vacated by then in Jafrabad and Chand Bagh.”⁵¹ He even threatened the Delhi police by tweeting, “A three-day ultimatum to the police to clear the roads and after that please do not try to convince us, we would not even listen to you.” Soon after his speech, the violence broke out in the North-East district of Delhi which continued uninterruptedly for the next four days.
- **23 FEBRUARY 2020:** A self-styled Hindutva leader on social media, Ragini Tiwari, also known as Janki Behen, shot and posted a Facebook Live video clip near Maujpur in north-east Delhi, in which she directly incites the mob by saying, “*Bahut hua sanatan par vaar, ab nahi sahenge vaar. Sanataniyo baahar aao. Maro ya maar daalo. Baad mein dekhi jayegi. Bahut hua. Abhi jiska khoon na khaula, khoon nahi wo pani hai* (Enough attacks on Hinduism. We won’t tolerate such attacks anymore. Hindus, come out. Kill or be killed, don’t worry about the consequences. If your blood isn’t boiling even now, it’s not blood but it is water).”⁵² In the same video shot and posted on 23 February, she can be seen saying, “*Kaat daalo, jo bhi hai, kaat daalo... Bhimti hai kya?* (Cut him up, whoever it is, cut him up. Is he a Bhimti? – a disrespectful term used for Babasaheb Ambedkar’s Dalit supporters).”⁵³ As per an eyewitness account submitted to the Police and other authorities, Ragini Tiwari did not just stop at doing a Facebook live video, rather she was even present the next morning until the communal violence had ravaged the North-East part of Delhi.⁵⁴ Further according to a signed statement, “At around 9 PM

⁵⁰ The Wire Staff. (2 February 2020). Bullets, Biryani, Shaheen Bagh: The Essence of Adityanath’s Delhi Poll Speeches. *The Wire*. Retrieved from <https://thewire.in/politics/delhi-assembly-polls-adityanath> [18 July 2020].

⁵¹ Dwivedi, S. & (24 February 2020). “We’ll Be Peaceful Till Trump Leaves,” BJP Leader Kapil Mishra Warns Delhi Police. *NDTV*. Retrieved from <https://www.ndtv.com/delhi-news/bjp-leader-kapil-mishras-3-day-ultimatum-to-delhi-police-to-clear-anti-kaa-protest-jaffrabad-2184627> [20 July 2020].

⁵² Menon, A. & Iyer, S. A. (30 June 2020). ‘Kaat Do’ Said Ragini Tiwari, ‘Eyewitness’ Saw Her Firing Bullets. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragni-tiwari-hindutva-bjp-muslims> [25 July 2020].

⁵³ *Ibid.*

⁵⁴ *Ibid.*

(on 23 February) Ragini Tiwari came in a car with some people. The people accompanying were carrying big guns and she began giving her speech. Often while making people chant slogans, she would fire bullets in the air, after which the mob began losing control.” Another report quoted Ragini Tiwari as saying: “Arrey kya hua, jo bhi gaddaar hai usey kaat daalo, kaat daalo (What’s the problem, whoever is a traitor, cut him up, cut him up)”⁵⁵

- **23 - 26 FEBRUARY 2020:** The Days of Violence.

⁵⁵ Mishra, K. (29 February 2020). ‘Maroya maar daalo, jo bhiaayekaatdaalo’ Viral ho rahahaiRagini Tiwari ka Dilli mein hinsa bhadkaane ka kathit video. *Jansatta Online*. Retrieved from <https://www.jansatta.com/national/viral-video-ragini-tiwari-alleged-incite-delhi-violence-hate-speech-news-updates/1333943/> [08 September 2020].

2. PRELUDE TO THE VIOLENCE AND EARLY WARNING SIGNS

The ‘narrative’ and ‘chronology’ in the Delhi Police charge-sheets have hinted at a concerted conspiracy by anti-CAA protestors to defame the Narendra Modi-led government during the visit of the US President, as ‘Muslim provocation’ vs. ‘Hindu retaliation’, and omission of key leaders of the Bharatiya Janata Party (BJP)⁵⁶ – the party currently forming the Central Government. The latter despite their incendiary speeches reportedly acting as a trigger to incite the mob. The brief chronology of preceding events above show a continuum of incitement and provocation by members of the ruling party in the wake of CAA protests and Delhi elections. Multiple news reports have highlighted that the police inaction and incidents of impunity and complicity on part of the police forces.

In its analysis this chapter looks at causal factors behind the eruption of Delhi riots and the violence that ensued. In identifying the causes, it looks at a framework that conceptually clusters events that can act as an explanation in leading up to the violence. This is based on the recognition that communal violence as happened during the Delhi riots do not erupt suddenly – they are the manifestation of accumulated aggression and hostility.⁵⁷ Every violent conflict has early warning signs or indicators that help to understand the context of escalation of violence.⁵⁸ The following framework has been used to understand the events that preceded the violence and their contribution in creating an environment where the violence is normalised:

Catalysts before the violent outbreak: This refers to the translation of social relations into action. On 11 December 2019 Citizenship Amendment Bill, 2019 (CAB) was passed as an Act of Parliament – the Citizenship Amendment Act, 2019 (CAA). This controversial legislation was passed in the wake of country-wide protests that called out the potential for the Act to result in large scale disenfranchisement (in conjunction with the National Register of Citizens (NRC) and National Population Register (NPR)) for Muslim minorities and result in mass exclusion, distress, and misery for a large section of India’s underserved populations that do not have the requisite documents required in the bureaucratically protracted process – as the Assam experience has shown. In the context of the CAB/ CAA

⁵⁶ Menon, A. (12 June 2020). Delhi Riots: New Charge Sheets Push ‘Hindu Retaliation’ Narrative. *Quint*. Retrieved from <https://www.thequint.com/news/breaking-news/delhi-communal-violence-charge-sheets-hindu-muslim-caa-police> [14 July 2020].

⁵⁷ Bonn International Centre for Conversation. (n.d.). Main causes of violent conflict. Retrieved from <http://warpp.info/en/m1/articles/main-causes-of-violent-conflict> [4 July 2020].

⁵⁸ International Alert. (2004). Inclusive security, sustainable peace: A toolkit for sustainable peace. *United Nations*. Retrieved from https://peacemaker.un.org/sites/peacemaker.un.org/files/ToolkitWomenandConflictPreventionandResolution_InternationalAlert2004.pdf [4 July 2020].

came the duality of police action in two of India's biggest Universities - Jamia Millia Islamia (JMI) and Jawaharlal Nehru University (JNU) which highlighted the stark contrast of police response. All of this happened in the backdrop of Delhi elections which amplified hate speech using CAB/ CAA and the Shaheen Bagh protest site as a pivot.

Immediate catalysts or triggers: This refers to the event(s) that forms the tipping point into violent action. The rallying cry for pro-CAA protestors became '*desh ke gaddaron ko goli maaro saalo ko*' [shoot down the traitors of this land (traitors referring to anti-CAA protestors)] which became viral on social media after the rally in Connaught Place on 21 December 2019 in support of the CAA. This later manifested in gun wielding self-styled protectors of national interest at anti-CAA protest sites in the run up to the Delhi elections as well as increased chatter on social media on forceful removal of sit-in protestors. This culminated on 23 February 2020 when Kapil Mishra of the Bhartiya Janata Party (BJP) approached the protest site in Jaffrabad where he gave an ultimatum to protestors to clear or face consequences in the presence of police officers. Delhi High Court had asked Delhi Police to file First Information Reports (FIR) against BJP leaders - Kapil Mishra, Anurag Thakur, and Pravesh Sharma for inciting violence post which the judge hearing the case - Justice Muralidhar was transferred.

Catalysts after the outbreak of violence: This refers to the factors that contribute to scale and intensity of violence. This included distress calls to the police that went unanswered, ambulances not allowed to enter the riot affected area, impunity of the perpetrators, desecration of religious places of worship, communal targeting, and inaction of complicity of police officials compounded by misinformation and rumours that added fuel to fire.

2.1 The Citizenship Amendment Act, 2019⁵⁹; ⁶⁰

The Citizenship Amendment Bill was passed into Act on 11 December 2019 and it received the President's assent on the following day.⁶¹ CAA seeks to amend the definition of who is an illegal immigrant and fast-tracks citizenship for non-Muslim minorities from neighbouring Pakistan, Bangladesh, and Afghanistan who have lived in India without documentation.⁶² The cut-off date for citizenship under the CAA is 31 December 2014

⁵⁹ Citizens for Justice and Peace. (n.d.). Who is an Indian? Does the law and constitution decide. Retrieved from <https://cjp.org.in/who-is-an-indian-a-complete-guide-to-the-nrc-in-india/> [06 July 2020].

⁶⁰ Citizens for Justice and Peace. (n.d.). Census vs NPR.

⁶¹ Press Trust of India. (13 December 2019). Citizenship (Amendment) Bill gets President's assent. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/citizenship-amendment-bill-gets-presidents-assent-becomes-act/article30290591.ece> [4 July 2020].

⁶² ET Online. (31 December 2019). Citizenship (Amendment) Act 2019: What is it and why is it seen as a problem. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/et-explains/citizenship-amendment-bill-what-does-it-do-and-why-is-it-seen-as-a-problem/articleshow/72436995.cms> [06 July 2020].

which means the applicant would have to enter India on or before that date.⁶³ According to the BJP led Central Government this law would provide asylum to the minorities facing discrimination in Muslim majority countries in India's neighbourhood.⁶⁴

According to the Citizenship Act, 1955 there are 5 methods to acquiring Indian citizenship: (1) by birth; (2) by descent (this born outside Indian to Indian parents); (3) by registration; (4) by naturalisation (by being resident in India for 12 years); (5) by acquisition of territory (e.g. Sikkim). A foreigner can apply for citizenship through registration or naturalisation by fulfilling certain criteria under each of these. Prior to the 2019 amendment, the Act of 1955 does not allow illegal immigrants to become citizens by naturalisation or registration.

An illegal immigrant under section 2(1)(b) is defined as any person who entered India without a valid passport or travel document or having entered India with a valid passport or travel document, has stayed behind after its expiry. As per the 2019 amendment illegal immigrants from eligible communities can be provided fast track citizenship by naturalisation by shortening the residency requirement to 6 years.

However, the bill does not cover all religious minorities nor does it cover all countries in India's neighbourhood where minorities face discrimination – like Ahmadiyya and Shia Muslims in Pakistan, Rohingya Hindus and Muslims in Myanmar, and Hindu, Muslim and/ or Christian Tamils in Sri Lanka. On the exclusion of Muslims from the list of minorities that can seek refuge in India, Centre has maintained its position that Muslims can seek refuge in Muslim majority countries.⁶⁵

2.1.1 CAA – NRC – NPR and the Architecture of Exclusion

According to the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 passed under the Citizenship Amendment Act, the government may carry out a house to house enumeration for determining citizenship status. In the first stage this will result in the compilation of the National Population Register (NPR). On 31 July 2019, the Ministry of Home Affairs (MHA) issued an order (SO 2753) under Rule 3 (4) of the 2003 Rules towards preparation and update of the NPR; the process for which is to be conducted between April 2020 – September 2020.

Once the house to house enumeration of citizens has begun, citizens are required to engage in the process. While participating in the NPR process is not legally binding, the Rules 9 and 7 require everyone to register and the head of the household must provide answers to

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ ET Online. (31 December 2019). Citizenship (Amendment) Act 2019: What is it and why is it seen as a problem. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/et-explains/citizenship-amendment-bill-what-does-it-do-and-why-is-it-seen-as-a-problem/articleshow/72436995.cms> [06 July 2020].

the questions or face a fine of Rs. 1000. However, not answering the question can or will get individuals declared as doubtful citizens by the government.

Once the house to house enumeration is complete, the citizens are expected to engage in the process. Post the NPR process, the draft of local register is to be published by the sub-district or Taluk Registrar within 90 days inviting objection or inclusion. Individuals have 30 days to complain or file an objection. These complaints will be considered by the sub-district or taluk Registrar and disposed of within 90 days. A person aggrieved by the orders has 30 days to appeal to the District Registrar for citizenship registration. After hearing the party, the District Registrar will take a decision in 90 days.

In conclusion of the above process that final register would be published and those not registered as a citizen will have to face the consequences of being an illegal immigrant. These would include being sent to detention camps, being deported etc. However, way back on 8 September 2015, the Government had made changes to the Foreigners Order, 1948 and Passport (Entry into India) Rules, 1950 to allow non-Muslim refugees to stay in India even if they entered India without valid travel documents prior to 31 December 2014. The first amendment only mentioned Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan and Bangladesh. In a subsequent amendment Afghanistan was added to the list. Thus, these legislations would not apply to these persecuted categories.

Extrapolating from the only known example of a CAA-NRC-NPR phenomenon – On 17 July 1997, the Election Commission issued a circular to the Assam Government directing it to remove non-citizen from its voter list. This was followed by a door-to-door survey to revise electoral rolls. Voters who were unable to prove their nationality were marked with a D (standing for doubtful) against their names as were many absentee voters. According to the 2011 census 54% of Assam's population has migrated since birth. As a flood prone state whose riverine areas tend to get easily reconfigured leading to large internal displacement – a mapping of D-voters showed that majority reside in constituencies severely affected by flood erosion. Further, women headed households accounted for 62% of D-voters. D-voters are disenfranchised from contesting and voting in elections. As a result of the NRC process in Assam a total of 1.2 lakh (120,000) people were not able to exercise their franchise in the 2019 Lok Sabha polls.⁶⁶

In the Assam NRC draft of July 2018, 40 lakh (4 million) people were left out, of which 31.2 lakh (approx. 3.1 million) have claimed for inclusion and 2.6 lakhs (260,000) have registered their objection.⁶⁷ The September 2019 list still excluded 19 lakh (1.9 million)

⁶⁶ Press Trust of India. (18 March 2019). 1.2 Lakh In Assam Marked "Doubtful" By Poll Panel, Won't Be Able To Vote. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/lok-sabha-elections-2019-1-2-lakh-in-assam-marked-doubtful-by-poll-panel-wont-be-able-to-vote-2009511> [06 July 2020].

⁶⁷ Choudhury, R. (02 January 2019). 2.6 Lakh Objections Received In Assam Citizen List, Most In Last 3 Days. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/assam-nrc-national-register-of-citizens-list-2-6-lakh-objections-received-most-in-last-3-days-1971162> [06 July 2020].

people i.e. they failed to trace their ancestry either to the 1951 NRC or electoral rolls up to 1971.⁶⁸ According to the Assam experience, the proof of citizenship was determined on the basis of legacy and linkage documents.

2.1.2 Documents to Prove Citizenship

Legacy documents establish the citizenship of a person or their ancestor prior to 25 March 1971 – the cut-off date for Assam which allows anyone who entered Assam prior to that date to stay on. These are referred to as *List A* documents.

WHAT IS THE LIST OF ADMISSIBLE DOCUMENTS? (The same list can be referred to by the people coming from other states of India and currently residing in Assam)

There will be two requirements for inclusion of names of any person in updated NRC–

1. The first requirement is collection of ANY ONE of the following documents of *List A* issued before midnight of 24th March, 1971 where name of self or ancestor* appears (to prove residence in Assam up to midnight of 24th March, 1971).

- (1) 1951 NRC OR
- (2) Electoral Roll(s) up to 24th March 1971 (midnight) OR
- (3) Land & Tenancy Records OR
- (4) Citizenship Certificate OR
- (5) Permanent Residential Certificate OR
- (6) Refugee Registration Certificate OR
- (7) Passport OR
- (8) LIC OR
- (9) Any Govt. issued License/Certificate OR
- (10) Govt. Service/ Employment Certificate OR
- (11) Bank/Post Office Accounts OR
- (12) Birth Certificate OR
- (13) Board/University Educational Certificate OR
- (14) Court Records/Processes.

Further, two other documents *viz.* (1) Circle Officer/GP Secretary Certificate in respect of married women migrating after marriage (can be of any year before or after 24th March (midnight) 1971), and (2) Ration Card issued up to the midnight of 24th March, 1971 can be adduced as supporting documents. However, these two documents shall be accepted only if

⁶⁸ Karmakar, R. (31 August 2019). Over 19 lakh excluded from Assam's final NRC. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/over-19-lakh-excluded-from-assams-final-nrc/article29307099.ece> [06 July 2020].

accompanied by any one of the documents listed above.

2. The Second requirement arises if name in any of the documents of *List A* is not of the applicant himself/herself but that of an ancestor, namely, father or mother or grandfather or grandmother or great grandfather or great grandmother (and so on) of the applicant. In such cases, the applicant shall have to submit documents as in *List B* below to establish relationship with such ancestor, i.e., father or mother or grandfather or grandmother or great grandfather or great grandmother etc. whose name appears in *List A*. Such documents shall have to be legally acceptable document which clearly proves such relationship.

- (1) Birth Certificate OR
- (2) Land document OR
- (3) Board/University Certificate OR
- (4) Bank/LIC/Post Office records OR
- (5) Circle Officer/GP Secretary Certificate in case of married women OR
- (6) Electoral Roll OR
- (7) Ration Card OR
- (8) Any other legally acceptable document

Points to remember

Providing any one of the documents of *List A* of ANY PERIOD up to midnight of 24th March, 1971 shall be enough to prove eligibility for inclusion in updated NRC.

(<http://www.nrcassam.nic.in/admin-documents.html>)

2.1.3 Potential Cut Off Dates for NRC

Though unspecified in official documents, it is expected that the only cut of date for a country-wide NRC in India can be 27 January 1950. Taking this as the base date, the citizenship will therefore apply as follows:⁶⁹

- 1950 - 1987: Birth
- 1987 - 2004: One parent being born an Indian
- Post 2004: One parent Indian and the other not an illegal immigrant

2.1.4 Key Concerns

- India does not still have 100% voter registration and there have been reports of marginalised sections of the population being disenfranchised politically and denied of fundamental right to vote - which raises alarming questions on inclusiveness for a process as fraught as NRC with significantly higher stakes.

⁶⁹ The Constitution of India entered into force on 26 January 1950.

- Similarly, according to UNICEF the current rate of birth registration in the country is about 58% of births which raises foundational questions on the ability of NRC to be test of citizenship.
- There are sections of the population like migrant labour that do not own land or homes and hence cannot show land or tenancy records as one of the accepted documents to prove citizenship. Further, they might be excluded in the NPR – NRC process.

2.2 Protests, Demands, and Resolutions

2.2.1 North-East

The introduction of the Bill and passing of the Act sparked massive protests across the country. Following the clearing of CAB by the Union Cabinet for introduction in Parliament on 4 December, massive protests erupted in Assam and the north-east. Protests in North – East states that the Bill essentially violated the Assam Accord – a Memorandum of Settlement signed between the representatives of the Government of India and the leaders of the Assam movement that sets the terms for regularisation of refugees and immigrants in Assam.⁷⁰ Protestors in the North-East are against the regularisation of immigrants irrespective of religion since that, they fear it might affect the demographic balance of the religion. Two prominent student bodies have been at the forefront of agitation against the Bill – All Assam Students Union (AASU) and North – East Students Organisation (NESO). The opposition to the bill also involved 70 groups affiliated Krishak Mukti Sangram Samiti (KMSS) and 30 groups affiliated to AASU, the Left Democratic Manch (consisting of CPI(M), CPI, CPI(ML), RCPI, Janata Dal (S), NCP, LDP, AAP and Asom Sangrami Mancha),⁷¹ and All India United Democratic Front (AIUDF).⁷² Despite the agitations, majority of parliamentarians from the region voted in favour of the bill when it was passed.⁷³

In opposition to the passing of the Bill, thousands of people took to the streets of Guwahati

⁷⁰ Explained Desk. (13 December 2020) What is the Assam Accord that is fueling protests in the state? *Indian Express*. Retrieved from <https://indianexpress.com/article/explained/explained-what-is-the-assam-accord-citizenship-amendment-bill-protests-6164018/> [6 July 2020].

⁷¹ Press Trust of India. (17 November 2019). KMSS to Launch Agitations Against CAB in Assam, Says Akhil Gogoi. *News18*. Retrieved from <https://www.news18.com/news/india/kmss-to-launch-agitations-against-cab-in-assam-says-akhil-gogoi-2390121.html> [6 July 2020].

⁷² Press Trust of India. (6 December 2019). Protests across Assam over Citizenship (Amendment) Bill. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/protests-across-assam-over-cab/article30199978.ece> [6 July 2020].

⁷³ Sitlhou, M. (10 December 2019). In India's northeast, protesters rally against citizenship bill. *Aljazeera*. Retrieved from <https://www.aljazeera.com/news/2019/12/india-northeast-protesters-rally-citizenship-bill-191210111006001.html> [5 July 2020].

in protest defying curfew.⁷⁴ In Lalung Gaon, Guwahati, the police resorted to open fire injuring 4 people. The Guwahati – Shillong Road had been described as a war zone where the police fired in the air to disperse protestors as they did in Ragia Town where protestors threw stones and burnt tyres.⁷⁵ Similarly, police fired in the air to disperse protestors blocking National Highway 39 in Golaghat district. Kamrup district was entirely shut down with National Highway – 31 was blocked.⁷⁶ All educational institutions across the state were closed. Tea garden workers had stopped working in Lakhimpur and Charaideo districts as well as in Numaligarh in Golaghat and some areas in Tinsukia district.⁷⁷

Further, several flights and trains to and from Assam were cancelled. With Guwahati being the epicentre of protests an indefinite curfew was imposed, internet was blocked for 24 hours, and 26 columns of the Indian Army were deployed (an army column has 70 army personnel).^{78;79} Several countries issued travel warnings for their citizens travelling to India's North-East. Mobile internet was snapped from 07:00 pm on 11 December 2019 for 24 hours in several parts of Assam: Lakhimpur, Tinsukia, Dhemaji, Dibrugarh, Charaideo, Sivasagar, Jorhat, Golaghat, Kamrup (metro) and Kamrup districts.⁸⁰ Apart from Assam, the Army was also deployed in the neighbouring state Tripura.⁸¹ Security forces conducted a flag march across several locations in Guwahati to restore law and order.⁸² 5 people died in anti-CAA protests in Assam out of which 3 died as a result of police firing (Sam Stafford, 17; Abdul Alim, 23; and Iswar Nayak, 25) while 2 died during clashes at the hands of miscreants (Dipanjal Das, 19; Ajijur Rahman, 45), reported by Assam's

⁷⁴ Press Trust of India. (12 December 2019). Anti-CAB stir: People defy curfew, police open fire as Assam. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/anti-cab-protests-in-assam-police-opens-fire-on-protestors/articleshow/72487251.cms> [6 July 2020].

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ Pandey, M.C. (13 December 2019). CAB protest in Assam: Army carries out flag march in Guwahati. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/cab-protest-assam-army-carries-out-flag-march-guwahati-1628161-2019-12-13> [6 July 2020].

⁷⁹ Some reports stated 5 columns on 12 December 2019:
<https://economictimes.indiatimes.com/news/politics-and-nation/anti-cab-protests-in-assam-police-opens-fire-on-protestors/articleshow/72487251.cms> [6 July 2020].

⁸⁰ Singh, B. (12 December 2019). Assam burns over CAB, curfew in Guwahati, Army deployed. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/curfew-imposed-in-guwahati-to-be-in-place-till-7-am-on-thursday-police/articleshow/72476861.cms> [6 July 2020].

⁸¹ Press Trust of India, Shillong. (11 December 2019). CAB: Army deployed in Tripura, on standby in Assam. *Deccan Herald*. Retrieved from <https://www.deccanherald.com/national/east-and-northeast/cab-army-deployed-in-tripura-on-standby-in-assam-784630.html> [6 July 2020].

⁸² Pandey, M.C. (13 December 2019). CAB protest in Assam: Army carries out flag march in Guwahati. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/cab-protest-assam-army-carries-out-flag-march-guwahati-1628161-2019-12-13> [6 July 2020].

Parliamentary Affairs minister Chandra Mohan Patowary.⁸³ However, other reports indicate that all four except Ajijur Rahman (mentioned as Azizul Hoque) died of bullet injuries while Ajijur was burnt alive in his truck by miscreants.⁸⁴ A total of 573 people has been arrested in Assam out of which 384 have gotten bail and 184 are in jail as on 3 March 2020.⁸⁵

The Government provided exemptions under CAA for tribal areas covered under the Sixth Schedule of the Constitution and areas covered under 'The Inner Line' notified under the Bengal Eastern Frontier Regulation, 1873.⁸⁶ Areas under the inner line require Indians from other states to obtain 'The Inner Line Permit' to enter or pass through them.⁸⁷ Presently Arunachal Pradesh, Mizoram, and Nagaland fall under the Inner Line Permit.⁸⁸ While AASU and NESO have taken a clear stand against CAA, Young Mizo Association and All Arunachal Pradesh Student Union are content with the Inner Line exemption though the latter is obligated to oppose it as part of NESO.⁸⁹ Further, according to the Naga Student Federation, the entire North-East should be exempted since even if certain areas are allowed to remain within the operation ambit of the CAA it will affect the entire region due to porous borders.⁹⁰ In January 2020, Meghalaya CM Conrad Sangma highlighted the need to exempt all of Assam and Meghalaya and not just the demarcated areas.⁹¹

2.2.2 Delhi

After the North-East, protests over CAA and NRC hit the National Capital on 13 December 2019. Muslim organizations led by Jamiat Ulema-i-Hind organised a march at Jantar

⁸³ Press Trust of India. (3 March 2020). Three anti-CAA protesters died in December after police fired in air but missed aim, Assam minister tells Assembly. *FirstPost*. Retrieved from <https://www.firstpost.com/india/three-anti-caa-protesters-died-in-december-after-police-fired-in-air-but-missed-aim-assam-minister-tells-assembly-8110161.html> [6 July 2020].

⁸⁴ The Wire Staff. (23 December 2019). These are the 25 people killed during the anti-Citizenship Amendment Act Protests. *The Wire*. Retrieved from <https://thewire.in/rights/anti-caa-protest-deaths> [6 July 2020]

⁸⁵ Press Trust of India. (3 March 2020). Three anti-CAA protesters died in December after police fired in air but missed aim, Assam minister tells Assembly. *FirstPost*. Retrieved from <https://www.firstpost.com/india/three-anti-caa-protesters-died-in-december-after-police-fired-in-air-but-missed-aim-assam-minister-tells-assembly-8110161.html> [6 July 2020].

⁸⁶ Outlook Web Bureau. (09 December 2020). Explained: Which States Are Exempted From Citizenship Amendment Bill And Why. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-explained-which-states-are-exempted-from-citizenship-amendment-bill-and-why/343857> [6 July 2020].

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ Sitlhou, M. (2019). In India's north east, protestors rally against citizenship bill. *Al Jazeera*. Retrieved from <https://www.aljazeera.com/news/2019/12/india-northeast-protesters-rally-citizenship-bill-191210111006001.html> [6 July 2020].

⁹⁰ *Ibid.*

⁹¹ Saha, A. (2020). Exempt whole of Meghalaya, Assam from CAA: Sangma. *The Indian Express*. Retrieved from <https://indianexpress.com/article/india/citizenship-amendment-act-caa-protests-assam-meghalaya-conrad-sangma-6212129/> [6 July 2020].

Mantar, demanding the scrapping of the Citizenship Amendment Act. Thousands of people joined the protest demanding the scrapping of the Citizenship Amendment Act. Mahmood A Madni, general secretary of Jamiat, termed the amendment as “communally inspired”. After the demonstration ended, Jamiat submitted a memorandum to the President Ramnath Kovind through district magistrate, district collectors, and sub-divisional magistrates of the protest area.⁹² Next day, scores of people from all walks of life and groups gathered again at Jantar Mantar to oppose the amendment. A student from Assam who was present during the protest said, “I oppose the CAA and we are going for a candlelight vigil at Assam Bhavan. But there are also problems with the NRC. It’s a huge scam with no account of actual expenditure that has led to many suicides and now the government says we will do it again. We can’t keep proving our citizenship.” Collectives like Not in My Name including Muslim organizations, and organisations of North-East were present there.⁹³ In the view of protest, on 14 December Delhi Metro Rail Corporation [DMRC] had even shut down the entry and exit gate of Janpath metro station for two hours.⁹⁴

After the violence in Jamia Millia Islamia that broke out on the 13th and 15th December, protests intensified in the national capital as well as other parts of the country. On 15 December, the Delhi police barged into the campus of Jamia Millia Violence without any permission and picked up around hundred students. Police used tear gas shells and batons in the library and washroom, and ransacked parts of it.⁹⁵ On 16 December, Congress’s General Secretary of Uttar Pradesh Priyanka Gandhi Vadra held a silent protest at India Gate against the police brutality on unarmed students of Jamia Millia Islamia and Aligarh University. “The government has given a blow to the Constitution. It is an attack on the soul of the nation. The youth is the soul of the nation. It is their right to protest,” said Priyanka Gandhi. Hundreds of Congress workers joined the protest.⁹⁶

Clashes broke out again in Delhi’s Seelampur-Jafrabad area, located in the territory’s

⁹² TNN (14 December 2019). Citizenship (Amendment) Act: Muslim bodies hold march for dignity. *The Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/muslim-bodies-hold-march-for-dignity/articleshow/72552421.cms> [26 July 2020].

⁹³ Vincent, L. P. (14 December 2019). Different protest voices at Jantar Mantar. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/different-protest-voices-at-jantar-mantar/cid/1727006> [26 July 2020].

⁹⁴ Press Trust of India. (14 December 2019). Massive protests at Delhi’s Jantar Mantar over Citizenship Act. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/massive-protests-at-delhis-jantar-mantar-over-citizenship-act/article30306676.ece> [26 July 2020].

⁹⁵ Press Trust of India. (16 December 2019). ‘Cops Entered Bathrooms, Libraries and Beat up Girls’: Jamia Students Recount Sunday Night Horror. *News18 India*. Retrieved from <https://www.news18.com/news/india/cops-entered-bathrooms-libraries-and-beat-up-girls-jamia-students-recount-sunday-night-horror-2425629.html> [26 July 2020].

⁹⁶ Prabhu, S. (16 December 2019). “I’m A Mother...”: Priyanka Gandhi Condemns Cops’ Crackdown On Students. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/priyanka-gandhi-vadra-leads-congress-protest-at-india-gate-against-police-crackdown-on-delhi-student-2149694> [25 July 2020].

northeast, where hundreds of protestors hit the street on 17 December to oppose the amendment. The violence reportedly began when a crowd marching in protests against the Citizenship Amendment Act was stopped by the police from moving forward at the Seelampur Chowk in East Delhi at around 2 PM.⁹⁷ Police had claimed that the protestors vandalised the public property and torched the police station in Seelampur area. In the face off with protestors, police used tear gas shells and batons to disperse the protesters in which 12 police personnel and 6 civilians.⁹⁸ On 17 December, in view of violence, as many as seven metro stations - Seelampur on the Red Line and Welcome, Jaffrabad, Maujpur-Babarpur, Shiv Vihar, Johri Enclave and Gokulpuri on the Pink Line were shut down.⁹⁹

Violence shook the national capital's Old Delhi area on 20 December, when police clashed with the marching protestors and used a water cannon and baton to disperse them. 40 people were detained from the Daryaganj area of Old Delhi on Friday.¹⁰⁰ Despite permission being denied by the Delhi police, just after the Friday prayers Chandrashekar Azad, also joined the protest at Jama Masjid. Covering his face with a blue hoodie and holding the photo of BR Ambedkar, he appeared at the stairs of the mosque. He read the preamble, and when police tried to grip his collar, he slipped away in the crowd and vanished.¹⁰¹

On 19 December 2019, for the first-time internet and text messaging were suspended in parts of the National Capital. An order issued by the Delhi Police asked all telecom operators – Airtel, Vodafone Idea, Reliance Jio, MTNL/BSNL to stop communication services in certain areas of Delhi. Airtel responded to complaints about poor connectivity and responded: "Hi! We're complying with instructions received from govt. authorities on suspending Voice, SMS and data in certain areas in Delhi. Once the suspension orders are lifted, our services will be fully up and running."¹⁰² The Communist Party of India,

⁹⁷ India Today Web Desk. (17 December 2019). Delhi Seelampur violence in photos: Anti-CAA stir leaves capital burning once again. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-seelampur-violence-photos-citizenship-amendment-act-protest-1629044-2019-12-17>[25 July 2020].

⁹⁸ The Hindu Net Desk. (17 December 2019). CAA protests updates | 21 people injured in Seelampur violence: police. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/citizenship-amendment-act-protest-hartal-live-updates-december-17-2019/article30326650.ece> [25 July 2020].

⁹⁹ PTI. (17 December 2019). 7 metro stations closed in northeast Delhi in view of violent protest against citizenship law. *Outlook*. <https://www.outlookindia.com/newscroll/7-metro-stations-closed-in-northeast-delhi-in-view-of-violent-protest-against-citizenship-law/1687752> [25 July 2020].

¹⁰⁰ India Today Web Desk. (20 December 2019). 8 minors among 40 detained after violence near Delhi Gate in Daryaganj. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-gate-daryaganj-citizenship-amendment-act-protest-violence-car-fire-police-1630163-2019-12-20> [25 July 2020].

¹⁰¹ Shukla, S. (20 December 2019). Bhim Army's Chandrashekar Gives Cops The Slip At Delhi's Jama Masjid. *NDTV*. Retrieved from <https://www.ndtv.com/delhi-news/bhim-armys-chandrashekar-azad-leads-massive-protest-at-delhis-jama-masjid-2151809> [25 July 2020].

¹⁰² India Today Web Desk. (19 December 2019). Mobile calls, SMS, internet suspended in parts of Delhi as CAA protests sweep country. *India Today*. Retrieved from

Communist Party of India (Marxist), Communist Party of India (Marxist-Leninist)-Liberation, All India Forward Bloc and the Revolutionary Socialist Party, including many civil societies called for a nationwide on the death anniversary of freedom fighters Ashfaqulla Khan, Ram Prasad Bismil, Rajendra Lahiri and Roshan Singh who were executed by the Britishers during the independence movement to oppose linking the citizenship with the religious affiliation of an individual.¹⁰³

In Delhi, on 19 December, two marches were called for; one from the iconic Red Fort by civil society organisations and another from the Mandi House by left parties, and both marches were expected to meet at Shaheed Park where they were supposed to read the preamble of the Indian constitution.¹⁰⁴ But section 144 was imposed, the internet was suspended, 20 metro stations were closed, as a precautionary measure amid protests.¹⁰⁵ Roads were blocked and 52 companies of paramilitary forces were deployed, approximately 13,000 armed police and paramilitary forces were patrolling in sensitive areas. Police detained political leaders like CPI (M) General Secretary Sitaram Yechury, Yogendra Yadav and the Congress's Sandeep Dikshit, as also 1200 protestors.¹⁰⁶ Sitarama Yechury said, "The government is hell bent on dividing people on divisive lines. I am appealing to you to come and join in large numbers the protest march of the Left parties which will join the citizen's march against the CAA (Citizenship Amendment Act) and the NRC."¹⁰⁷ Those who were able to escape from the police detention gathered at Jantar Mantar, filling up every inch of the capital's protest zone with slogans, songs and poetry to oppose CAA and NRC.¹⁰⁸

<https://www.indiatoday.in/india/story/delhi-citizenship-amendment-act-mobile-internet-suspended-airtel-1629577-2019-12-19> [27 July 2020].

¹⁰³ PTI. (12 December 2019). Left parties to organise joint nationwide protest against Citizenship Bill on Dec 19. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/left-parties-to-organise-joint-nationwide-protest-against-citizenship-bill-on-dec-19/articleshow/72490625.cms> [27 July 2020].

¹⁰⁴ Mahaprashasta. A. A. (19 December 2019). Delhi Goes to Protest: Ground Report From a City Undeterred. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-caa-protests> [27 July 2020].

¹⁰⁵ HT Correspondent. (19 December 2019). Delhi braces for another day of anti-citizenship law protest. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/delhi-braces-for-another-day-of-anti-kaa-protest-two-metro-stations-closed/story-vS7RTTrMNXcExShvC5UV3kN.html> [27 July 2020].

¹⁰⁶ Business Today.in. (19 December 2019). Anti-CAA Protests Live Updates: 1,200 people detained by Delhi Police today; 13,000 officials patrolled sensitive areas. *Business Today*. Retrieved from <https://www.businesstoday.in/current/economy-politics/anti-kaa-protests-live-updates-8-delhi-metro-stations-closed-congress-ncp-gear-all-india-stirs/story/392305.html> [27 July 2020].

¹⁰⁷ HT Correspondent. (19 December 2019). Protesters detained near Red Fort ahead of planned march against citizenship law. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/nationwide-protests-planned-against-citizenship-law-authorities-gear-up/story-OpdGlpUZPILcsvgHJUtyTK.html> [27 July 2020].

¹⁰⁸ Mahaprashasta. A. A. (19 December 2019). Delhi Goes to Protest: Ground Report From a City Undeterred. *The Wire*. <https://thewire.in/rights/delhi-kaa-protests> [27 July 2020].

Shaheen Bagh: To protest against the amendment in the citizenship act and 13 December 2019 police brutality on unarmed students of Jamia Millia Islamia, a couple of women from Shaheen Bagh, situated at a few minutes' drive away from the Jamia campus, blocked the GD Birla Highway near Kalindi Kunj, a 6-lane stretch that connects Delhi, Noida, and Faridabad on 14 December 2019.¹⁰⁹

The women protestors of Shaheen Bagh became a template for anti-CAA-NRC protests and inspired multiple similar sit-in protests across the country demanding for a complete rollback of the amendment in the citizenship act. The women camped there for days and nights for 101 days until 24 March 2020, when the public gathering became restricted in Delhi to prevent the spread of COVID-19.¹¹⁰

The leaderless protest of Shaheen Bagh made their voices heard through art, culture, music and literature. Handmade banners along with reverberating slogans of Azadi and flying tri-colors were everywhere at the protest site. The 'Azadi' slogan was later turned on to its head and used against them. Two of such incidents was when a 17 year old gunman named Rambhakt Gopal shouted "Yeh lo Azadi" (take your freedom) whilst he opened fire at the protesters who were marching towards Rajghat. It also became a common refrain during the North-East Delhi riots. Muslim victims alleged that both rioters and Police used this while perpetuating violence at them.¹¹¹

There was a Fatima Sheikh-Savitribai Phule library, which provided the resources on the country's constitution, revolution, fascism, and various social issues.¹¹² The mini replica of India Gate at the protest site naming the protestors who lost their lives during the agitation across the country, grabbed the attention of the visitors.¹¹³ A 40 ft iron welded map of India was erected at the protest site on which "We The People of India Oppose the NRC and CAA" was boldly written.¹¹⁴

The poetry of Faiz Ahmed Faiz and Habib Jalib, who wrote against the oppression and tyranny, made their way to Shaheen Bagh as well. Habib Jalib's "Main nahi maanta" and

¹⁰⁹ Salam, Z. (04 April 2020). Shaheen Bagh protesters: Showing the way. *Frontline*. Retrieved from <https://frontline.thehindu.com/the-nation/article31249472.ece> [28 July 2020].

¹¹⁰ *Ibid.*

¹¹¹ Lalwani, V. (24 May 2020). 'Got your azaadi?': Investigation into Delhi violence sparks concerns about bias against Muslims. Retrieved from <https://scroll.in/article/962567/got-your-azaadi-investigation-into-delhi-violence-sparks-concerns-about-bias-against-muslims>[28 July 2020].

¹¹² Ameen, F. (28 June 2020). The Fatima Sheikh-Savitribai Phule Library has been set up at Shaheen Bagh on 17 January 2020 the fourth death anniversary of Rohith Vemula. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/delhi/the-fatima-sheikh-savitribai-phule-library-has-been-set-up-at-shaheen-bagh-on-17-january-2020-the-fourth-death-anniversary-of-rohith-vemula/cid/1737477> [22 July 2020].

¹¹³ *The Quint*. (17 January 2010). 40-Foot Iron Structure of India's Map Installed at Shaheen Bagh. *The Quint*. Retrieved from <https://www.thequint.com/news/india/40-ft-high-iron-structure-of-indias-map-installed-at-shaheen-bagh>[28 July 2020].

¹¹⁴ *Ibid.*

Faiz's "*Hum dekhenge*" became the anthem of the protestors. From 2nd February to 8 February 2020 prominent artists like TM Krishna,¹¹⁵ Prateek Kuhad, Shubha Mudgal and many more joined the protest to express their solidarity.¹¹⁶

The Shaheen Bagh protest got pan-India support. Sikh farmers came all the way from Punjab to become a part of the protests and had set up the langar [Community kitchen] at the protest site.¹¹⁷

Many prominent political leaders like Shashi Tharoor,¹¹⁸ Salman Khurshid,¹¹⁹ Mani Shankar,¹²⁰ also joined and expressed their solidarity with the protestors. From the film fraternity, top personalities like Anurag Kashyap,¹²¹ Zeeshan Ayyub,¹²² Swara Bhaskar¹²³ registered their solidarity at the protest site. Similarly, social activist Chandrashekhar Azad¹²⁴ also came to support the women of Shaheen Bagh.

¹¹⁵ Wadhwa, M. (08 February 2020). TM Krishna Sings Hum Dekhenge At Shaheen Bagh, In Four Languages. *She The People*. Retrieved from <https://www.shethepeople.tv/videos/tm-krishna-hum-dekhenge-shaheen-bagh/> [20 July 2020].

¹¹⁶ NH Web Desk. (6 February 2020). Prateek Kuhad and many other artists perform in Shaheen Bagh in solidarity with anti-CAA protest. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/india/prateek-kuhad-and-many-other-artists-perform-in-shaheen-bagh-in-solidarity-with-anti-kaa-protest> [22 July 2019].

¹¹⁷ Rawat, G. & Sanyal, A. (15 January 2020). Sikh Farmers From Punjab Come To Cheer Shaheen Bagh Women, Cook Langar. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/sikh-farmers-from-punjab-come-to-cheer-shaheen-bagh-women-cook-langar-2164508> [21 July 2020].

¹¹⁸ PTI . (13 January 2020) Shashi Tharoor visits Jamia, Shaheen Bagh, JNU; says CAA against Mahatma Gandhi's ideals of unity: *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/india/shashi-tharoor-visits-jamia-jnu-shaheen-bagh-says-kaa-against-mahatma-gandhis-ideals-of-unity/articleshow/73220848.cms> [23 July 2020].

¹¹⁹ GoNews Desk. 20 (January 2020). Salman Khurshid: Shaheen Bagh Mainspring Of Anti-CAA Stir. *Go News*. Retrieved July 28, 2020, from <https://www.gonewsindia.com/latest-videos/news-and-politics/salman-khurshid-shaheen-bagh-mainspring-of-countrywide-agitation-7653> [15 July 2020].

¹²⁰ Pandey, C. M. (14 January 2020). Congress leader Mani Shankar Aiyar visits Shaheen Bagh, creates row with 'kaatil' remark. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/congress-leader-mani-shankar-aiyar-visits-shaheen-bagh-creates-row-with-kaatil-remark-1636863-2020-01-14> [18 July 2020].

¹²¹ PTI. (14 February 2020). Anurag Kashyap visits Jamia, tastes Shaheen Bagh's biryani. *Rediff*. Retrieved from <https://www.rediff.com/news/report/anurag-kashyap-visits-jamia-eats-shaheen-bagh-biryani/20200214.htm> [22 July 2020].

¹²² Abbas, Z. (31 December 2019). Celebrities, activists join protesters at Shaheen Bagh to celebrate New Year. *Millennial Post*. Retrieved from <http://www.millenniumpost.in/delhi/celebrities-activists-join-protesters-at-shaheen-bagh-to-celebrate-new-year-393726> [18 July 2020].

¹²³ Parveen, R. R. (05 January 2020). Delhi's Shaheen Bagh braves cold, continues protest against CAA. *New Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/jan/02/delhis-shaheen-bagh-braves-cold-continues-protest-against-kaa-2083979.html> [18 July 2020].

¹²⁴ Beg, M. A. (22 January 2020). With Chandrashekhar Azad On Stage, Shaheen Bagh Chants 'Samvidhaan Zindabad, Jai Bhim'. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-with-chandrashekhar-azad-on-stage-shaheen-bagh-chants-samvidhaan-zindabad-jai-bhim/346071> [18 July 2020].

The Shaheen Bagh protest was also embroiled in fake news, misinformation and propaganda peddled on social media. Amit Malviya, the BJP leader and IT Cell Head tweeted a video on 15 January claiming that the women protestors were being paid 500-700 rupees to sit in protest.¹²⁵ In a video, shot with a hidden camera, a man tries to show that people who are there at Shaheen Bagh were being paid for doing this sit-in dharna.¹²⁶ However, Alt News, a fact-checking website, found that the video was shot at a shop in Tughlakabad, South Delhi. Mainstream media too televised Malviya's version without any verification.¹²⁷

When Vivek Agnihotri, a filmmaker, who described the dissenters as urban naxals and tweeted on 19th January claiming that protestors of Shaheen Bagh would organize "Kashmiri Hindu Genocide Day", the women of Shaheen slapped his bogus claim by showing solidarity with the Kashmiri Pandits who were the victims of militants in the Kashmir Valley in early 1990s. When they were accused of being "Jihadi", they held a multi-religious prayers at the stage.¹²⁸

As the Delhi elections approached, the protest of Shaheen Bagh became a contentious issue among the political parties. BJP's top leaders like Amit Shah,¹²⁹ Yogi Adityanath and others including Parvesh Verma¹³⁰ targeted the protestors through "hateful" and "abusive" speeches, which was followed by a round of firing at the protestors by a person named Kapil Gujjar. On 31 January 2020, while firing he proclaimed, "*Iss desh mein kisi ki nahin chalegi, sirf Hinduon ki chalegi*" (In this country, no one but Hindus can have their say).¹³¹

On 12 January 2020, in retaliation to the Shaheen Bagh protest, a large number of people staged a protest at the same highway, near Sarita Vihar, demanding the removal of the Shaheen Bagh protest from the highway, but the police removed the gathering of Sarita

¹²⁵ Tiwari, A. Patel, J. (06 February 2020). Truth about "sting" claiming Shaheen Bagh women were paid Rs 500: Alt News-NewsLaundry joint investigation. *Alt News*. Retrieved from <https://www.altnews.in/truth-about-sting-claiming-shaheen-bagh-women-were-paid-rs-500-alt-news-newslaundry-joint-investigation/> [18 July 2020].

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ Mir. S. (20 January 2020). Kashmiri Pandits Join Resistance Celebrations at Shaheen Bagh. Retrieved from <https://www.thecitizen.in/index.php/en/NewsDetail/index/9/18193/-Kashmiri-Pandits-Join-Resistance-Celebrations-at-Shaheen-Bagh> [28 July 2020].

¹²⁹ Lakhwani. N. (08 February 2020). After polarising campaign, Shaheen Bagh goes to vote amid heavy security. *Indian Today*. Retrieved from <https://www.indiatoday.in/elections/delhi-assembly-polls-2020/story/delhi-elections-shaheen-bagh-goes-to-vote-amid-heavy-security-1644404-2020-02-08> [28 July 2020].

¹³⁰ Chatterji. R. (28 January 2020). Hate Speech: Shaheen Bagh Protesters Will Rape, Kill Your Sisters, Says BJP MP Parvesh Verma. *HuffingtonPost*. Retrieved July 28, 2020, from https://www.huffingtonpost.in/entry/shaheen-bagh-parvesh-verma-delhi-election-2020_in_5e2fb918c5b6ce51a4eac9bd [22 July 2020].

¹³¹ Ojha. A. (01 February 2020). Shaheen Bagh firing: Shooter shouts *sirf Hinduon ki chalegi*, detained. *Indian Today*. Retrieved from <https://www.indiatoday.in/india/story/shaheen-bagh-shooting-anti-cao-protest-violence-delhi-police-protesters-1642353-2020-02-01> [22 July 2020].

Vihar in just a couple of moments.¹³² However, quite a number of petitions were filed in the High Court and the Supreme Court to put an end to the sit-in, which allegedly caused inconvenience to the public. On 14 February 2020, the Delhi Court refused the plea to shift the protestors of Shaheen Bagh saying it was the matter of traffic and police should deal with it according to the larger public interest. The Delhi Police held multiple negotiating meetings but failed to materialize.¹³³

On 21 January 2020, a plea was filed to seek clear instruction to the police to ensure smooth traffic at Kalindi Kunj-Shaheen Bagh stretch. The plea noted, “No one can be permitted to occupy a public road for any reason whatsoever under the pretext of peaceful protest and that too for an indefinite period to make others suffer for the same.” On 7 February 2020, the court postponed the hearing after the Delhi Election i.e. 8 February 2020.¹³⁴

Hearing the pleas, on 10 February, the court said, “The protests have gone on for a long time. They have the right to protest, but there can’t be an indefinite period of protests in a common area. It might be in an area identified,” however, the court refused to deliver an interim order and wanted to hear from the protestors.¹³⁵

On 17 February, the bench of Justice KM Joseph, and SK Kaul appointed two interlocutors, advocate Sanjay Hegde and Sadhna Ramchandran and scheduled the next hearing for 24 February.¹³⁶ The court also advised the interlocutors to seek assistance from former Chief Information Commissioner Wajahat Habibullah.¹³⁷ The bench received the sealed cover report of interlocutors on 24th and scheduled the hearing on 26th February. But on 26th February the hearing got postponed in the wake of the communal riots in the North-East part of the national capital.¹³⁸

¹³² Times Now Digital. (12 January 2020) Protest in Delhi’s Sarita Vihar over traffic restrictions near Shaheen Bagh due to anti-CAA demonstrations. *Times Now*. Retrieved from <https://www.timesnownews.com/india/article/protest-in-delhis-sarita-vihar-over-traffic-restrictions-near-shaheen-bagh-due-to-anti-cao-demonstration/539053> [18 July 2020].

¹³³ Press Trust of India. (26 December 2019). Unfazed by cold, 200 women stage sit-in at Shaheen Bagh, police seek to end protest. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/unfazed-by-cold-200-women-stage-sit-in-at-shaheen-bagh-police-seek-to-end-protest-1631797-2019-12-26> [18 July 2020]

¹³⁴ BusinessToday.in. (10 February 2020). Shaheen Bagh protesters can’t block roads, create inconvenience: Supreme Court. (2020, February 10). *Business Today*. Retrieved from <https://www.businesstoday.in/current/economy-politics/shaheen-bagh-protesters-block-roads-create-inconvenience-supreme-court/story/395830.html>[18 July 2020].

¹³⁵ Vaidyanathan, A. (10 February 2020). Can’t Block Public Road Indefinitely: Top Court On Shaheen Bagh Protest. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/shaheen-bagh-supreme-court-notice-to-centre-delhi-police-says-protests-cant-go-on-for-indefinite-per-2177755> [18 July 2020].

¹³⁶ Press Trust of India. (24 February 2020). Interlocutors file sealed report in Supreme Court after talks with Shaheen Bagh protesters. *The Print*. Retrieved from <https://theprint.in/india/interlocutors-file-sealed-report-in-supreme-court-after-talks-with-shaheen-bagh-protesters/370168/> [18 July 2020].

¹³⁷ *Ibid*.

¹³⁸ *Ibid*.

As the struggle against amended citizenship continued with many sit-in protests in various parts of Delhi alone:

- *Khureji*: Mainly led by women, locals had camped for an indefinite sit-in on the night of January 13.¹³⁹ The very next day, Delhi Police allegedly vandalised the protest site, in an attempt to disperse the protesters.¹⁴⁰
- *Turkman Gate*: On the evening of January 14, residents of Old Delhi, including women, took to the streets in hundreds to register their protest against the controversial Citizenship Amendment Act.¹⁴¹
- *Jafrabad-Seelampur*: On the night of 15th January a few hundred residents started the protest against CAA and NRC,¹⁴² saw the crowds swelling upto 2,000 at Jafrabad-Seelampur on 17 January evening.¹⁴³
- *Karadampuri*: On 18 January the protest started in Karadampur to oppose the amendment in citizenship act and NRC.¹⁴⁴
- *Brijpuri, Old Mustafabad*: On the evening of 18 January, ten thousand residents' gathered to oppose the CAA and NRC. The indefinite sit-in had started earlier on 16 January evening.¹⁴⁵
- *Chandbagh, Bhajanpura*: On the evening of 18 January, the indefinite sit-in by women in the neighbourhood situated in New Delhi's Bhajanpura started to oppose the CAA and NRC. In solidarity with the protesters a Sikh group set up the *Langar*, a community meal.¹⁴⁶
- *Shree Ram Colony, Khajuri Khas*: Started on 19 evening by women who are inspired by Shaheen Bagh, the colony in the national capital was painted with Indian flags and reverberating with slogans and chants of "*Aazadi*".¹⁴⁷

¹³⁹ Chhabra, R. & Jha. M. (21 January 2020). In Photos: Shaheen Bagh is Everywhere!.NewsClick.<https://www.newsclick.in/In-Photos-Shaheen-Bagh-Everywhere> [26 July 2020].

¹⁴⁰ Chhabra, R. (15 January 2020). Delhi Police Vandalise Shaheen Bagh-like Peaceful Protest in East Delhi's Khureji. NewsClick.<https://www.newsclick.in/Delhi-Police-Vandalise-Shaheen-Bagh-like-Peaceful-Protest-East-Delhi-Khureji> [26 July 2020].

¹⁴¹ Chhabra, R. & Jha. M. (21 January 2020). In Photos: Shaheen Bagh is Everywhere!.NewsClick.<https://www.newsclick.in/In-Photos-Shaheen-Bagh-Everywhere> [26 July 2020].

¹⁴² Chhabra, R. & Jha. M. (21 January 2020). In Photos: Shaheen Bagh is Everywhere!, NewsClick, <https://www.newsclick.in/In-Photos-Shaheen-Bagh-Everywhere> [26 July 2020].

¹⁴³ R, Chhabra, R. (18 January 2020). Weeks After Violence, a Shaheen Bagh Re-Run in Delhi's Jafrabad-Seelampur. Retrieved from <https://www.newsclick.in/Violence-Shaheen-Bagh-Re-Run-Delhi-Jafrabad-Seelampur>[28 July 2020].

¹⁴⁴ Chhabra. R. & Jha. M. (21 January 2020). In Photos: Shaheen Bagh is Everywhere!.NewsClick. Retrieved from <https://www.newsclick.in/In-Photos-Shaheen-Bagh-Everywhere> [26 July 2020].

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

- *Wazirabad*: After marches and rallies, a Shaheen Bagh-like sit-in protest took place in New Delhi's small colony, Wazirabad which saw huge participation of residents, especially women.¹⁴⁸
- *Jamia Millia Islamia*: A Shaheen Bagh-like protest started in front of Gate no 7 of the central university after the violence that was unleashed by the Delhi Police on the protesting students and residents of Jamia Nagar.¹⁴⁹
- *Inderlok*: Hundreds of women on the evening of 19 January started an indefinite sit-in in front of the Inderlok metro station to show solidarity with the protestors of Shaheen Bagh.¹⁵⁰

2.2.3 Uttar Pradesh

The protest against NRC-CAA shook Uttar Pradesh [UP] as well, and the state also witnessed one the most brutal response of the police and state against the protest and protestors. After the protest turned violent in Lucknow and Sambhal on 16 December 2019, Yogi Adityanath the chief minister of the state, said that, everyone is captured in the CCTV footage, he will take "revenge".¹⁵¹ In UP alone, 23 people were killed during the protests. Out of 23, 21 casualties were due to the bullets.¹⁵² The highest death toll was reported from Firozabad district, with 7 people killed, followed by Meerut which saw 5 casualties, 3 in Kanpur, 2 each in Bijnor and Sambhal and one each in Lucknow, Muzaffarnagar, Rampur and Varanasi.¹⁵³

Police were accused of barging in the houses of people and damaging the properties and snatching cash and jewellery in different parts of Uttar Pradesh.¹⁵⁴ The police were also captured while vandalizing shops in Kanpur during the agitation against the act.¹⁵⁵ Haji Anwar Ilahi, 74, of Muzaffarnagar alleged, "They came after midnight. There was a box with Rs 3.25 lakh in cash. They smashed it open and took the cash. We had been saving for my granddaughter's wedding in March. They took all the jewellery in the house. We are

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ Jafri, A. (18 Jan 2020). Who Were 23 People Killed in UP During Anti-CAA-NRC Protests? *NewsClick*. Retrieved from <https://www.newsclick.in/who-were-23-people-killed-during-anti-cao-nrc-protests> [18 July 2020].

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Rana, R. S. (25 December 2019). Cops Barged Into Our Homes at Night, Smashed Everything, Snatched Cash and Jewellery, Say Muzaffarnagar's Muslim Families. *News18 India*. Retrieved from <https://www.news18.com/amp/news/india/cops-barged-into-our-homes-at-night-smashed-everything-snatched-cash-and-jewellery-say-muzaffarnagars-muslim-families-2435565.html> [14 July 2020].

¹⁵⁵ Pandey, A. (25 December 2019). Video Shows Cops Vandalising Shops, Vehicles In UP's Kanpur Amid Protests. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/citizenship-amendment-act-video-shows-cops-vandalising-shops-vehicles-in-ups-kanpur-amid-protests-2154193> [12 July 2020].

ruined.”¹⁵⁶ Hamid Salmani, a resident of Bijnor district alleged, “The people are scared after the recent conduct of the police, the way the policemen have treated the women, children and vandalized homes. The police have mentioned thousands unknown in FIRs and families fear that if they speak against police they will be named and arrested.”¹⁵⁷

Moreover, police were also accused of using communal slurs against the protestors, who were opposing the amendment in the Citizenship Act. A video of Akhilesh Naryan Singh, a policeman from Meerut district where 5 people were killed, surfaced on social media, where Singh was caught on the camera saying, “go to Pakistan if you don’t want to live here...you eat here but sing praises of another place... This lane is now familiar to me. And once I remember, I can even reach your grandmother,” Singh says in the video. “Every man from every house will be arrested.”¹⁵⁸ Meanwhile, state’s CM Yogi Adityanath praised the heavy handedness of the police in the state in handling the protestors. He tweeted, “Every rioter is shocked. Every troublemaker is astonished. Looking at the strictness of the Yogi government, everyone is silent.”¹⁵⁹

Despite the restriction on public gathering, and the suspension of Internet connectivity, protests continued to show up in different parts of the state including several sit-in protests like one in Lucknow’s Ghantaghar.¹⁶⁰ Educational institutes like IIT Kanpur, Banaras Hindu University, Aligarh Muslim University also registered their voice against police brutality in Jamia Millia Islamia and CAA-NRC.¹⁶¹ In Aligarh Muslim University, police stormed into the campus and beat up the students on the evening of 15 December. Police forcefully entered into the campus of the university. In the crackdown, 60 students

¹⁵⁶ Rana, R. S. (25 December 2019). Cops Barged Into Our Homes at Night, Smashed Everything, Snatched Cash and Jewellery, Say Muzaffarnagar’s Muslim Families. *News18 India*. Retrieved from <https://www.news18.com/amp/news/india/cops-barged-into-our-homes-at-night-smashed-everything-snatched-cash-and-jewellery-say-muzaffarnagars-muslim-families-2435565.html> [14 July 2020].

¹⁵⁷ Pandey, M. C. (24 December 2020). Bijnor Ground Report: Muslim families flee as UP Police vandalise homes, harass women after clashes over CAA. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/bijnor-ground-report-muslim-families-flee-as-up-police-vandalise-homes-harass-women-after-clashes-over-caa-1631046-2019-12-24>[13 July 2020].

¹⁵⁸ Scroll Staff. (28 December 2019). ‘Go to Pakistan’: Meerut police officer caught on camera telling anti-CAA protestors. *Scroll*. Retrieved July 28, 2020, from <https://scroll.in/latest/948092/go-to-pakistan-meerut-police-officer-caught-on-camera-telling-anti-cao-protestors> [12 July 2020].

¹⁵⁹ Sharma, S. (28 December 2019). Hardline leader in Indian state defends ‘strict’ action to quell protests. *Reuters*. Retrieved from <https://fr.reuters.com/article/worldNews/idAFKBN1YW042> [12 July 2020].

¹⁶⁰ Jalan, T. (2 January 2019). Indian govt uses internet shutdowns to curb anti-CAA protests - in UP, Delhi, Assam, and 6 other states. *Media Nama*. Retrieved from <https://www.medianama.com/2020/01/223-indian-govt-internet-shutdowns-citizenship-protests/> [12 July 2020].

¹⁶¹ Outlook Web Bureau. (15 December 2019). IITs To IISc: How Students From Campuses Across India Came Out In Support of Jamia After Police Crackdown. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-iits-to-iisc-how-students-from-colleges-across-india-came-out-in-support-of-jamia-millia-after-police-crackdown/344219>[12 July 2020].

were injured, internet was restricted.¹⁶²

In order to prevent the protest, suspension of the internet connectivity became frequent in Uttar Pradesh's multiple districts. The internet was snapped in western Uttar Pradesh's Bijnor, Bulandshahr, Muzaffarnagar, Meerut, Agra, Firozabad, Sambhal, Aligarh, Ghaziabad, Rampur, Sitapur and Kanpur districts. Internet services were also suspended in Lucknow, Shamli, Hapur, Firozabad, Bareilly, Saharanpur, Amroha, Bahraich, Varanasi, Azamgarh, and Moradabad districts. The suspensions were ordered for different durations across districts ranging from 18 December to 28 December.¹⁶³

Adityanath had warned on 20 December, that he would confiscate properties of those who were allegedly involved in violence during the protests in the state. He was quoted, "I have called a meeting over this. You cannot indulge in violence in the name of protest. We will take strict action against such elements. Will seize the property of those found guilty and claim compensation for damage to public property."¹⁶⁴

After the statement of the Chief Minister, many notices were issued to either explain or pay the loss properties which were destroyed during the protest. District administration of Sambhal issued a notice to 26 people for their alleged involvement in damaging the property during the protest. The Additional District Magistrate, Kamlesh Awasthi said that public properties worth 11.66 lakhs were damaged.¹⁶⁵ Along with Sambhal, notices were sent to 498 people across the state. In Lucknow 82 people, 148 from Meerut, 79 from Rampur, 13 from Firozabad, 50 from Kanpur, 73 from Muzaffarnagar, eight from Mau and 19 from Bulandshahr.¹⁶⁶

For the protestors who failed to pay up the fine, UP government went on to seal and auction the properties of the protestors to recover the losses caused by the violence during the protest. In the wake of the pandemic, on 20 March 2020, following the Allahabad High Court order, the administration stopped all the coercive action such as attachment to

¹⁶² *Ibid.*

¹⁶³ Jalan, T. (2 January 2019). Indian govt uses internet shutdowns to curb anti-CAA protests - in UP, Delhi, Assam, and 6 other states. *Media Nama*. Retrieved from <https://www.medianama.com/2020/01/223-indian-govt-internet-shutdowns-citizenship-protests/> [12 July 2020].

¹⁶⁴ India Today Web Desk.(19 December 2019). CAA protests: Will seize properties of those who indulge in violence, says Yogi Adityanath. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/caa-protests-will-seize-properties-of-those-who-indulge-in-violence-says-yogi-adityanath-1629778-2019-12-19> [12 July 2020].

¹⁶⁵ India Today Web Desk. (26 December 2019). Explain or pay for damage: UP administration sends notice to 26 people in Sambhal for CAA violence. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/explain-or-pay-for-damage-up-administration-sends-notice-to-26-people-in-sambhal-for-cao-violence-1631638-2019-12-26>[12 July 2020].

¹⁶⁶ Jafri, A.(31 Dec 2019) CAA-NCR: Adityanath Govt Sends Property Confiscation Notices to 498 People. Retrieved from <https://www.newsclick.in/cao-ncr-adityanath-govt-sends-property-confiscation-notices-498-people> [12 July 2020].

properties and arrest to recover the damage.¹⁶⁷ However, on 2 July 2020, the administration reopened the recovery drive and sealed one more property, a welding workshop in Khurram Nagar, Lucknow owned by Mohammad Nafees, who was accused of vandalism and arson during the protest on December 19 last year.¹⁶⁸

The Yogi-led government of Uttar Pradesh, named and shamed the anti-NRC-CAA protestors in Lucknow too, who were allegedly accused of ‘damaging public property’. The huge banner bearing the names, photos and addresses of the protestors was put up at a crossing in Lucknow city.¹⁶⁹ The poster also read that property of the accused will be confiscated if they fail to pay the compensation. Sadaf Zafar, a Congress worker, social activist, who was among whose photos appeared on the poster accused the government for “public humiliation” and said she will take legal action.¹⁷⁰

A two-judge bench led by the Chief Justice of the Allahabad High Court, Govind Mathur, initiated *suo-motu* proceedings in the matter, and after hearing the State’s Advocate General, termed the action of the government as “highly unjust” and an “encroachment” into a citizen’s right to privacy. The court found that the State’s action was not only wholly without authority of law, but was very dangerous as it tended to incite violence against the persons whose names, residential addresses, and mobile numbers were put up on hoardings, as well as against their family members. The High Court directed the government to immediately remove the posters and demanded an explanation.¹⁷¹

2.2.4 Rest of the Country

In West Bengal, Mamata Banerjee, the chief minister of the state, led a march on 16 December and vowed not to allow CAA and NRC in Bengal. She was joined by thousands of her party members from All India Trinamool Congress. The protest march began from Red Road in the heart of the city, and culminated in Jorasanko Thakur Bari, the residence of Nobel laureate Rabindranath Tagore in north Kolkata, around 4 km away.¹⁷²

¹⁶⁷ Rehman, A. (30 June 2020). Anti-CAA protests: Two shops sealed as UP govt starts to recover damages. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/anti-cao-protests-two-shops-sealed-as-up-govt-starts-to-recover-damages-6484094/> [12 July 2020].

¹⁶⁸ Rehman, A. (09 July 2020). CAA protests in Lucknow: Cart puller held, cops press ahead with recovery of damages. Retrieved from <https://indianexpress.com/article/cities/lucknow/cao-protests-in-lucknow-cart-puller-held-cops-press-ahead-with-recovery-of-damages-6496851/> [12 July 2020].

¹⁶⁹ Press Trust of India. (06 March 2020). UP Govt Puts Up Banners With Anti-CAA Activists’ Photos in Lucknow. *NewsClick*. Retrieved from <https://www.thequint.com/news/india/up-govt-puts-up-banners-with-anti-cao-activists-photos-in-lucknow> [12 July 2020].

¹⁷⁰ *Ibid.*

¹⁷¹ Gaur, V. (10 March 2020). Allahabad High Court asks UP to remove ‘name and shame’ posters of anti-CAA protestors. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/hc-asks-up-govt-to-remove-name-and-shameposters-of-anti-cao-protesters/articleshow/74549799.cms> [13 July 2020].

¹⁷² Press Trust of India. (16 December 2019). Mamata Banerjee leads mega protest rally; vows not to allow >>

Similarly, the chief minister of Rajasthan, Ashok Gehlot also led a protest march “Save the Constitution” in Jaipur and was joined by the 3-lakh people. Gehlot said that “NRC and CAA are impractical and won’t be implemented in the state.”¹⁷³ On 25 December 2019, the then chief minister of Madhya Pradesh, Kamal Nath led an anti-CAA-NRC protest march in Bhopal. He said, “any law which is anti-Constitution, anti-national, anti-religion will not be enforced in Madhya Pradesh.”¹⁷⁴ In Kerala, both ruling and opposition parties joined hands and organized a protest march against CAA-NRC, led by the chief minister Pinarayi Vijayan on 16 December 2019.¹⁷⁵

Along with these protests, several marches and protests erupted in different parts of the country. In August Kranti Maidan of Mumbai, where Mahatma Gandhi delivered his famous “Quit India” movement speech during the independence movement, on 19 December 2019 thousands of people gathered to register their voice against amendment in the Citizenship Act. They termed the CAA and NRC as “strike” on our constitutional democracy. Several prominent film stars like Farhan Akhtar, Konkona Sen Sharma, Swara Bhaskar and Huma Qureshi joined the protest.¹⁷⁶

On 5th January 2020, tens of thousands of protestors hit the street in Hyderabad during the “Million March” against CAA and NRC. The protest was organised by Joint Action Committee comprising 40 Muslims and Dalit organization that brought the twin city [Hyderabad and Secundrabad] on halt.¹⁷⁷

The protest against NRC-CAA remained largely peaceful except in those states where the BJP was in power like in UP, Assam, Karnataka and Delhi, where police comes directly under the Home Ministry.¹⁷⁸ In Mangalore city of Karnataka, where BJP is in power,

NRC, CAA in Bengal. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/mamata-banerjee-leads-mega-protest-rally-vows-not-to-allow-nrc-cao-in-bengal/articleshow/72744904.cms> [14 July 2020].

¹⁷³ The Wire Staff. (23 December 2019). Rajasthan: Nearly 3 Lakh Attend Anti-CAA Protest Led by Ashok Gehlot. *The Wire*. Retrieved July 28, 2020, from <https://thewire.in/politics/rajasthan-nearly-3-lakh-attend-anti-caa-protest-led-by-ashok-gehlot> [14 July 2020].

¹⁷⁴ IANS. (25 December 2019). Kamal Nath leads anti-CAA protests in Bhopal. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/kamal-nath-leads-anticaa-protests-in-bhopal/1693894> [14 July 2019].

¹⁷⁵ Anand, G. (16 December 2020). Kerala govt. joins hands with Opposition to fight Centre on CAA. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/kerala/kerala-govt-joins-hands-with-opposition-to-fight-centre-on-caa/article30318122.ece> [14 July 2020].

¹⁷⁶ Express News Network. (19 December 2020). Mumbai anti-CAA protest: At August Kranti Maidan today, 2,000 security personnel on guard. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/mumbai/citizenship-amendment-bill-act-2019-protests-caa-cab-mumbai-august-kranti-maidan-6174208/> [14 July 2020].

¹⁷⁷ TNN. (5 January 2020). Anti-CAA protests: When ‘Million March’ brought Hyderabad to a halt. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/hyderabad/with-million-march-hyderabad-comes-to-a-halt/articleshow/73104149.cms> [14 July 2020].

¹⁷⁸ Human Rights Watch. (23 December 2020). India: Deadly Force Used Against Protesters. Human Rights >>

protests turned violent and two people Jaleel Kudroli, 49, and Nausheen Bengree, 23, lost their lives.¹⁷⁹ Eyewitness of Mangalore was quoted, “...the police, in large numbers, entered a hospital where injured protestors were receiving treatment. They launched tear gas within 30 metres of sick patients inside the Intensive Care Unit (ICU), attempting to barge into patient rooms where protesters had taken refuge.”¹⁸⁰

In Bihar, where the BJP is alliance partner in the government led by Janata Dal United’s Nitish Kumar, police arrested two men linked to Hindutva group for the Murders of Amir Hanzala, an 18-year-old resident of Phulwari Sharif.¹⁸¹ On December 21, after the NRC-CAA protest called by Rashtriya Janata Dal, turned violent in Patna, Hanzala went missing and 10 days later he was found dead.¹⁸²

Jana-Gana-Mana Yatra led by Kanhaiya Kumar, a leader of Communist Party of India along with many small organisations including Congress, was attacked several times in Bihar.¹⁸³ The march began on January 30 from Bhitiharwa Ashram in Bihar’s West Champaran district, the historic land associated with Mahatma Gandhi’s first satyagraha. It was scheduled to reach Gandhi Maidan in Patna to culminate into a rally on February 29, after covering the length and breadth of the state.¹⁸⁴ The principal demand of the yatra was to oppose NRC and CAA, and asking Nitish Kumar to reject it.¹⁸⁵

2.2.5 Resolutions

The states of West Bengal and Telangana passed the resolution rejecting the CAA, NPR and NRC. Mamata Banerjee said the amendment in the Citizenship Act is against the constitution and humanity; she also demanded that NPR be repealed.¹⁸⁶ Moving the

Watch. Retrieved from <https://www.hrw.org/news/2019/12/23/india-deadly-force-used-against-protesters> [14 July 2020].

¹⁷⁹ Bhat, P. (19 December 2020). 2 persons dead after violence in anti-CAA protest in Mangaluru. (2019, December 19). *The News Minute*. Retrieved from

¹⁸⁰ <https://www.thenewsminute.com/article/2-persons-dead-after-violence-anti-cao-protest-mangaluru-114408> [14 July 2020].

¹⁸¹ Ray, K. U. & Alam. M. (3 January 2020). Bihar Police Arrest Hindutva Activists for Killing Teenager Who Joined Anti-CAA Protest. *The Wire*. Retrieved from <https://thewire.in/communalism/bihar-hindu-fringe-groups-teenager-killed-cao-protest> [14 July 2020].

¹⁸² *Ibid*

¹⁸³ Raj, D. (30 January 2020). Kanhaiya Kumar held before Jana Gana Mana Yatra. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/kanhaiya-kumar-held-before-jana-gana-mana-yatra/cid/1740932> [14 July 2020].

¹⁸⁴ IANS. (15 February 2020). Kanhaiya Kumar’s convoy attacked in Bihar for the 8th time. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/kanhaiya-kumar-convoy-attacked-bihar-arah-1646730-2020-02-15> [14 July 2020].

¹⁸⁵ Raj, D. (30 January 2020). Kanhaiya Kumar held before Jana Gana Mana Yatra. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/kanhaiya-kumar-held-before-jana-gana-mana-yatra/cid/1740932> [14 July 2020].

¹⁸⁶ Press Trust of India. (27 January 2020). CAA News: West Bengal assembly passes anti-CAA resolution, >>

resolution against CAA, NRC and NPR in the Telangana Assembly, K Chandrashekar Rao, Chief Minister of Telangana, said that the act and two processes are methods being used to “tinker with the inclusive and non-religious nature of the citizenship”.¹⁸⁷

While presenting the resolution against CAA in the assembly Kerala’s chief minister, Pinarayi Vijayan said CAA is against the very “secular fabric” of the country. He said, “The Act contradicts the basic values and principles of the Constitution. In view of the anxiety among the people of the country, the Centre should take steps to drop the CAA and uphold the secular outlook of the Constitution”.¹⁸⁸

States like Madhya Pradesh [Then ruled by Indian National Congress and its allies], Rajasthan, Chhattisgarh, and Punjab passed the resolution against CAA in their assemblies and said NRC would not be implemented in their states.¹⁸⁹ Bhupesh Baghel, the Chief Minister of Chhattisgarh, has been critical of the CAA and NRC. He wrote a letter to the Prime Minister requesting to repeal the amendment. In his letter to the PM, Bhaghel wrote: “Chhattisgarh is witnessing massive peaceful protests against the Act by different sections of the society. Chhattisgarh originally has inhabitants belonging to scheduled tribes, scheduled caste, OBCs. And a huge chunk of the state’s population live below the poverty line, are landless and illiterate. They might surely face difficulties to accomplish the formalities as required by the Act. The CAA apparently erodes the constitution’s fundamental structure on secularism”.¹⁹⁰

The Naveen Patnaik’s government in Odisha, Y.S. Jagan Mohan Reddy government in Andhra Pradesh, and Uddhav Thackeray government in Maharashtra declined to implement NRC in their states. But their parties voted in the favour of the CAA in the Parliament.¹⁹¹

demands its repeal. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/kolkata/west-bengal-assembly-passes-resolution-against-citizenship-amendment-act/articleshow/73664118.cms> [20 July 2020].

¹⁸⁷ Lasania, Y. (16 March 2020). Telangana assembly passes resolution against CAA, NRC and NPR. *Livemint*. Retrieved from <https://www.livemint.com/politics/news/telangana-assembly-passes-resolution-against-cao-nrc-and-npr-11584367130704.html> [20 July 2020].

¹⁸⁸ Press Trust of India. (31 December 2020). Kerala assembly passes anti-CAA resolution in Assembly. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/kerala-cm-tables-anti-cao-resolution-in-assembly-1632845-2019-12-31> [20 July 2020].

¹⁸⁹ Gupta, S. (6 February 2020). Madhya Pradesh becomes sixth state to pass resolution against CAA: *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/india/madhya-pradesh-becomes-sixth-state-to-pass-resolution-against-cao/articleshow/73972009.cms> [20 July 2020].

¹⁹⁰ Kaiser, E. (30 January 2020). Chhattisgarh cabinet passes resolution against CAA, urges PM to withdraw it. *New Indian Express*. Retrieved from <https://www.newindianexpress.com/nation/2020/jan/30/chhattisgarh-cabinet-passes-resolution-against-cao-urges-pm-to-withdraw-it-2096681.html> [20 July 2020].

¹⁹¹ Pandey, S. (24 December 2019). 11 state govts, representing 56% of India, have now taken a ‘no-NRC’ stance. *The Print*. Retrieved from <https://theprint.in/india/11-state-govts-representing-56-of-india->

Hemant Soren's government of Jharkhand passed the resolution against CAA and NRC. On NPR, state Parliamentary Affairs Minister Alamgir Alam, said, "In the present format having 15 points, people will be asked about date and place of birth of parents," Alam told *The Hindu*. "Most people in Jharkhand will not be able to answer these questions. Most people even don't know their own date of birth." He insisted that the National Population Register exercise should be carried out using the 2010 format.¹⁹²

Not only those states that were ruled by the opposition parties, but states like Bihar, where BJP shares the power with JDU, also passed the resolution against NRC, and also stated that NPR would be implemented as of 2010 rule. Nitish Kumar said that the contentious clause like date and place of birth of parents must be omitted from NPR form. Nitish Kumar's party also voted in the favour of CAA in the parliament.¹⁹³

Union Territory Delhi also passed the resolution against CAA, NPR and NRC in the Delhi assembly. Addressing the assembly, chief minister Arvind Kejriwal said, "Under the NPR and NRC, the public will be asked to prove their citizenship. Ninety percent of the people have no official birth certificate to prove this. Will everyone be sent to the detention centre? This fear is haunting everyone. My appeal to the Centre is to stop NPR and NRC".¹⁹⁴ Another union territory Puducherry passed the resolution to not implement CAA in the state. The V Narayanasamy government also registered a strong protest against the National Register of Citizens and National Population Register.¹⁹⁵

2.3 Pro-CAA/NRC Marches, Rallies and Direct Action

The now infamous slogan, "Desh ke Gaddaron ko, Goli maaro saalon [What should we do with the country's traitors? Gun down the #@&%@@ (expletive deleted)]", was used by Kapil Mishra, who joined the BJP in August 2019, at a pro-CAA rally at Connaught Place in New Delhi.¹⁹⁶ In a video, tweeted by Delhi BJP unit, Mishra has alleged that the students of

have-now-taken-a-no-nrc-stance/340213/ [20 July 2020].

¹⁹² Staff Reporter. (24 March 2020). Jharkhand govt. passes resolution against NPR, NRC in Assembly. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/other-states/jharkhand-govt-passes-resolution-against-npr-nrc-in-assembly/article31148916.ece> [20 July 2020].

¹⁹³ Singh, S. (26 February 2020). Bihar first NDA state to pass resolution against NRC, adopt 2010 NPR. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/bihar-assembly-passes-unanimous-resolution-on-npr-nrc/articleshow/74304645.cms> [20 July 2020].

¹⁹⁴ Khanna, P. (13 March 2020). Delhi assembly passes resolution against NPR in present form. *Livemint*. Retrieved from <https://www.livemint.com/news/india/delhi-assembly-passes-resolution-against-npr-and-nrc-11584108452099.html> [20 July 2020].

¹⁹⁵ Press Trust of India. (13 February 2020). Puducherry Passes Resolution Against Citizenship Amendment Act. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/puducherry-assembly-passes-resolution-against-cao-npr-nrc-2179357> [20 July 2020].

¹⁹⁶ Scroll Staff. (21 December 2019). 'Golimaarosaalo ko': BJP's Kapil Mishra posts video of his 'peaceful' >>

Jamia Millia and AMU are using religious slogans, which were used by Kashmiri militants and even ISIS, a Islamic terrorist outfit. The rally, which was led by Mishra, despite imposition of section 144 in the city was joined by the large number of the supporters of the Citizenship Amendment Act and unlike their opposition protests, they faced no repercussions for this.¹⁹⁷

However, when *Indian Express* contacted Mishra on his statement. He stood by his comment. To quote, “Our slogans have not instigated anyone to indulge in violence. Has anyone killed or threatened people? Those who are questioning me don’t have the courage to question those who are setting buses on fire and hitting policemen.”¹⁹⁸

As the protest against NRC and CAA intensified, BJP along with its allied organization held several rallies in the different parts of the country in support of amendment in the act. “Desh ke Gaddaron ko, Goli maaro saalon ko [Shoot the traitors]” along with so many incendiary slogans resounded in these rallies.¹⁹⁹

Another similar protest was organised in Mumbai on 19 December, on the same day when a protest was called for in August Kranti Maidan to oppose the amendment in the citizenship act. The pro CAA rally was scheduled to take place at Churchgate station but later shifted to the Chhatrapati Shivaji Maharaj Terminus. Protest was joined by 60-70 people who chanted in praise of VD Savarkar as well as the Delhi police for their action against the anti-CAA protestors in Aligarh Muslim University and Delhi’s Jamia Millia Islamia where police attacked untamed students.²⁰⁰ The people at the protest that was organised by the Indian Institute of Democratic Leadership, reportedly set up by RSS-affiliate, Rambhau Mhalgi Prabodhini,²⁰¹ said that they got the information of the protest on WhatsApp. In the same August Kranti Maidan, where anti-CAA protestors were

march supporting the CAA. *Scroll.in*. Retrieved from <https://scroll.in/video/947491/goli-maaro-saalo-ko-bjps-kapil-mishra-posts-video-of-his-peaceful-march-supporting-the-cao>[14 July 2020].

¹⁹⁷ Web Desk. (21 December 2019). ‘Shoot traitors’ slogan at pro-CAA march: BJP’s Kapil Mishra defiant. *The Week*. Retrieved from <https://www.theweek.in/news/india/2019/12/21/shoot-traitors-slogan-at-pro-cao-march-bjp-kapil-mishra-defiant.html>[14 July 2020].

¹⁹⁸ Express News Service. (22 December 2019). Has anyone killed people: Kapil Mishra on shoot-the-traitors slogan. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/has-anyone-killed-people-kapil-mishra-on-shoot-the-traitors-slogan/> [14 July 2020].

¹⁹⁹ Jain, A. (23 December 2019). Pro-CAA Rallies Trigger Widespread Anger With Incendiary Slogans. *HuffingtonPost*. Retrieved from https://www.huffingtonpost.in/entry/anger-slogans-pro-citizenship-amendment-act-rallies_in_5e005f3ae4b05b08bab79f4f[14 July 2020].

²⁰⁰ Deodhar, N. (20 December 2018). What happens at a pro-CAA rally in Mumbai: Chants about VD Savarkar, incendiary slogans and praise for Delhi Police. *Firstpost*. (2019, December 20). Retrieved from <https://www.firstpost.com/india/what-happens-at-a-pro-cao-rally-in-mumbai-chants-about-vd-savarkar-incendiary-slogans-and-praise-for-delhi-police-7806331.html>[14 July 2020].

²⁰¹ Ranjan, R. (18 June 2020). RSS-affiliate sets up Indian Institute of Democratic Leadership to train young guns for politics. *India Today*. Retrieved from <https://www.indiatoday.in/mail-today/story/rss-rambhau-mhalgi-prabodhini-indian-institute-of-democratic-leadership-983302-2017-06-18>[14 July 2020].

gathered, a week later, another pro CAA rally was organised on 27th December.²⁰²

On 21st December, BJP announced that it will launch a counter offence programme of 10 days to “educate” the people on CAA. The BJP General Secretary, Bhupendra Yadav was quoted after the meeting held by BJP leaders which was presided by the BJP president JP Nadda, “to clear the doubts people have about the Citizenship Amendment Act” BJP will hold 1000 rallies and programmes and 250 conferences across the country.²⁰³

In Nagpur, another city of Maharashtra, Akhil Bharatiya Vidyarthi Parishad [ABVP], student wing of BJP, along with BJP organised the pro CAA march, which was attended by former chief minister Devendra Fadnavis, and cabinet minister Nitin Gadkari. While addressing the rally, Gadkari assured that no one will be discriminated against.²⁰⁴ The slogans raised during the march were “Desh ke gaddaron ko, goli maaro saalon ko [Shoot the traitors]”, “Jinko chahiye azadi, unko de do azadi [Give freedom to those asking],” and “afvahon pe dhyanna de, ghuspaithiyen active hai [Don’t pay heed to rumours, intruders are quite active].”²⁰⁵

In another pro CAA march, “Abhinandan Yatra” which was held in Kolkata on 24th December. JP Nadda led the march welcoming the Citizenship Amendment Act. He accused opposition leader for “misguiding” the people on CAA.²⁰⁶ Many clashes were reported during the Pro CAA rallies in West Bengal. In Hooghly district BJP and TMC workers clashed on 26th January over amendment in the act, in which both sides claimed that three of their party workers got injured during the clash.²⁰⁷ On 14th January, tussle over the comment of Dilip Ghosh, the BJP’s state president, intensified between TMC and BJP. Dilip Ghosh alleged, “Didi’s [West Bengal CM Mamata Banerjee] police didn’t take action against those who destroy public property as they are her voters. Our governments

²⁰² Press Trust of India & Agencies. (27 December 2019). Pro-CAA rally at Mumbai’s August Kranti Maidan draws crowds. *Economic Times*. Retrieved July from <https://economictimes.indiatimes.com/news/politics-and-nation/students-activists-hold-anti-cao-protest-in-mumbai/articleshow/72995082.cms> [14 July 2020].

²⁰³ Sharma, P. (21 December 2019). BJP to counter CAA agitation with 1,000 rallies, outreach programmes. *The Week*. Retrieved from <https://www.theweek.in/news/india/2019/12/21/bjp-to-counter-cao-agitation-with-1000-rallies-outreach-programmes.html> [14 July 2020].

²⁰⁴ Deshpande, V. (22 December 2019). Nitin Gadkari message to Muslims: BJP doesn’t believe in bias. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/nitin-gadkari-message-to-muslims-bjp-doesnt-believe-in-bias-cao-protets-6180064/> [14 July 2020].

²⁰⁵ *Ibid.*

²⁰⁶ HT Correspondent. (24 December 2019). At pro-CAA rally in Bengal, Nadda says ‘huge’ turnout signals change. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/at-pro-cao-rally-in-bengal-nadda-says-huge-turnout-signals-change/story-k5JUblllec1rkzKpgdy3dJJ.html> [14 July 2020].

²⁰⁷ Times Now Digital. (26 January 2020) BJP-TMC workers clash in West Bengal over pro-CAA rally. *Times Now*. Retrieved July 28, 2020, from <https://www.timesnownews.com/india/article/bjp-tmc-workers-clash-in-west-bengal-over-pro-cao-rally/545280> [14 July 2020].

in UP, Assam and Karnataka shot these people like dogs.”²⁰⁸ He later, at Midnapur court said, “Whatever I have said is what the party’s stand is. If we get a chance in Bengal, we will handle it in a similar way.”²⁰⁹ After the spat, the Bengal government imposed 144 to stop the BJP pro CAA rally in Sitalkuchi in the north Bengal region, where BJP has won most number of seats in WB in recent Lok Sabha election.²¹⁰

Violence erupted in a pro CAA rally in Jharkhand as well. On 24th January 2020, in Lohardaga district violence and arson broke out during a rally organised by Vishwa Hindu Parishad, a far-right Hindu nationalist outfit, when some miscreants pelted stones on the protestors. After sustained injury, curfew and section 144 was imposed in the area.²¹¹ Jharkhand Police Spokesperson and ADGP ML Meena said, “Preliminary reports say a large number of vehicles and houses have been set ablaze. Efforts are on to douse the flames. Additional police forces have been sent to the district from different parts of the state. Intensive patrolling is being carried out in the affected areas.” He said that the reasons for the violence will be ascertained after investigation.”²¹²

2.4 Kapil Mishra in North-East Delhi

Deadly communal riots broke out in the North-Eastern part of the national capital, leaving 53 people dead, and properties destroyed worth crores. The riot that ravaged for many days had put Kapil Mishra, a local BJP leader, under much spotlight. On 23 February Mishra had led a pro CAA rally at Maujpur chowk and demanded vacating the roads near Jafraabad metro station where hundreds of women had blocked the road on Saturday night, in protest against new citizenship law.²¹³ Sit in protest, similar to Shaheen Bagh spread in the national capital, the one including Kadampuri and Chand Bagh in North-East Delhi. Mishra unsuccessfully contested Delhi election from Model Town constituency; he was

²⁰⁸ Press Trust of India. (15 Jan 2020). Dilip Ghosh stands by ‘shot like dogs’ comment, says it was for the country: *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/india/dilip-ghosh-stands-by-shot-like-dogs-comment-says-it-was-for-the-country/articleshow/73273780.cms> [14 July 2020].

²⁰⁹ TNN. (14 Jan 2020). CAA agitators ‘shot like dogs’, says Dilip Ghosh, sparks row: *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/india/caa-agitators-shot-like-dogs-says-dilip-ghosh-sparks-row/articleshow/73236094.cms> (14 July 2020).

²¹⁰ Chatterjee, T. (14 January 2020) In a first, Bengal govt enforces Section 144 to stop BJP’s pro-CAA rallies. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/in-a-first-bengal-govt-enforces-section-144-to-stop-bjp-s-pro-cao-rallies/story-iW10NOySFuGTunexIyDf4K.html> [14 July 2020].

²¹¹ Sahay, S. & Gupta. KA. (24 January 2020). Curfew clamped in Lohardaga after attack on pro-CAA rally. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/ranchi/curfew-clamped-in-lohardaga-after-attack-on-pro-cao-rally/articleshow/73574108.cms> [14 July 2020].

²¹² *Ibid.*

²¹³ Dwivedi, S. & (24 February 2020). “We’ll Be Peaceful Till Trump Leaves,” BJP Leader Kapil Mishra Warns Delhi Police. *NDTV*. Retrieved from <https://www.ndtv.com/delhi-news/bjp-leader-kapil-mishras-3-day-ultimatum-to-delhi-police-to-clear-anti-cao-protest-jafraabad-2184627> [20 July 2020]

even banned from campaigning for 48 hours for his incendiary tweet.²¹⁴ On 23rd January, Mishra tweeted, “There will be a contest on Delhi Roads between India and Pakistan on February 8.”

The Mishra rally in Maujpur was said to have sparked one of the worst communal riots in Delhi.²¹⁵ On February 23rd, in the presence of the North East district’s Deputy Commissioner of Police, Ved Prakash Surya, Mishra delivered a “hate speech” giving an ultimatum of three days. Mishra warned that, before the visit of Donald Trump, the president of the United States of America, which began 24th February onwards, roads should be cleared. He said, “They (protesters) want to create trouble in Delhi. That’s why they have closed the roads. That’s why they have created a riot-like situation here. We have not pelted any stone. Till the US President is in India, we are leaving the area peacefully. After that we won’t listen to you (police) if the roads are not vacated by then in Jafrabad and Chand Bagh.”²¹⁶

Threatening the Delhi police, Mishra said in a tweet, “A three-day ultimatum to the police to clear the roads and after that please do not try to convince us, we would not even listen to you.” Earlier, in the afternoon, Mishra asked his supporters to gather at Maujpur at 3 PM to give an answer to Jafrabad. He tweeted, “to give an answer to Jafrabad. In support of CAA, we will hit the streets. You are all invited.”²¹⁷

Eyewitnesses recorded that incendiary slogans were raised during Mishra’s rally:

Kapil Mishra tum lath bajao, hum tumhare saath hai, Lambe-lambe lath bajao, hum tumhare saath hai, Kheech-kheech ke lath bajao, hum tumhare saath hai, Mullo par tum lath bajao, hum tumhare saath hai, Chamaaro par tum lath bajao, hum tumhare saath hai. (Kapil Mishra, you beat them with sticks, we are with you, Beat them with long sticks, we are with you, Beat them with full force, we are with you, Beat the Muslims, we are with you, Beat the Dalits, we are with you).²¹⁸

²¹⁴ HT Correspondent. (11 February 2020). Delhi assembly election results 2020: Kapil Mishra loses from Model Town to AAP’s Akhilesh Pati Tripathi. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/assembly-elections/delhi-assembly-election-results-2020-kapil-mishra-loses-from-model-town-to-aap-s-akhilesh-pati-tripathi/story-0JQNrycmbDtU3YM5VMQ0MJ.html> [22 July 2020].

²¹⁵ Scroll Staff. (25 January 2020). Delhi elections: Kapil Mishra gets 48-hour campaigning ban for ‘India vs Pakistan’ tweet. *Scroll.in*. Retrieved from <https://scroll.in/latest/951081/delhi-elections-kapil-mishra-gets-48-hour-campaigning-ban-for-india-vs-pakistan-tweet> [22 July 2020]

²¹⁶ Dwivedi, S. & (24 February 2020). “We’ll Be Peaceful Till Trump Leaves,” BJP Leader Kapil Mishra Warns Delhi Police. *NDTV*. Retrieved from <https://www.ndtv.com/delhi-news/bjp-leader-kapil-mishras-3-day-ultimatum-to-delhi-police-to-clear-anti-kaa-protest-jaffrabad-2184627> [20 July 2020]

²¹⁷ *Ibid.*

²¹⁸ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [22 July 2020]

Just after the “ultimatum” of Mishra, clashes broke out in Maujpur, where shops were set ablaze by the mob. “I heard him and his supporters talking about sending a lot of messages to others to gather at the venue,” said Rashiuddin Ahmed, a local leader from Seelampur, who were present during Mishra’s rally. He also claimed, “I heard him talking to people. “*Yahi sahi mauka hai. Isse bhuna lo. Ab chook gaye to dubaara mauka nahi milega.* (This is the right time. Exploit it. If you miss it, you won’t get another opportunity).”²¹⁹

While a FIR copy accessed by *The Caravan* now revealed that, before delivering the “ultimatum” at Maujpur Chowk, Mishra led an armed mob at Kardampuri, where the incidents of violence were reported on 23rd February. The report noted, “On the afternoon of 23 February, Mishra gave an incendiary speech in Kardampuri, calling upon a mob to attack Muslim and Dalit protesters in the area. One of the complainants accused Mishra of brandishing a gun as he instigated the crowd.” Another complainant Mohammed Ilyas, a resident of Yamuna Vihar whose house was burnt down in the violence, featured Mishra in the complaint as well, accusing him of leading the violence in Kardampuri. He wrote in his FIR, “The police officers stood there and assisted them, after which the atmosphere in the area took a turn for the worse. After this, the DCP Ved Prakash Surya entered different lanes and warned the protestors, ‘If you do not end this protest, then there will be such violent riots here that all of you will be killed.’”²²⁰

On the entire episode of Kapil Mishra, a self-proclaimed rioter, who did not reveal the name by saying, “Abhi to ek hi naam chal raha hai – Jai Shri Ram (there is only one name right now and that is ‘Jai Shri Ram’ – a religious chant in India)”, said on Kapil Mishra, “His only contribution was his ultimatum to the Delhi Police. That worked. It gave everyone a sense of security that at least someone is with them from the ruling party who understands their problem. Had the protestors cleared the road, they could have avoided the violence.”²²¹

Another man quoted in the *NewsClick* report said that Mishra made him realize that he is Hindu. He said, “He [Kapil Mishra] made us realize that we are Hindus and the country belongs to us only. After Partition, we gave Muslims a separate nation to reside. Those who are living here have problems with legislation that seeks to give citizenship to persecuted Hindus living in Pakistan. This is the country of Hindus. If not India, where will our community go? And who has given Muslims the right to object to the

²¹⁹ Sharma, J. (26 February 2020). Delhi Riots 2020: Who Fanned The Flames of Hatred? Is Kapil Mishra Only To Blame?. *Outlook India Magazine*. from <https://www.outlookindia.com/magazine/story/india-news-delhi-riots-2020-who-fanned-the-flames-of-hatred-is-kapil-mishra-only-to-blame/302875> [12 July 2020]

²²⁰ *Ibid.*

²²¹ Anwar, T., Jha. M. & Singh. A. (02 March 2020). Delhi Riots: Not Spontaneous, But Crudely Designed? *NewsClick*. Retrieved from <https://www.newslick.in/Delhi-Riots-Spontaneous-Crudely-Designed> [22 July 2020]

government's decision?"²²²

Rehmat, a resident of Chandpuri, filed a complaint mentioning Kapil Mishra, similar to what Ilyas had also filed which was accessed by Caravan. In the complaint Rehmat wrote, "At around 4 pm on 23 February, Kapil Mishra came to the site with DCP Ved Prakash Surya and his goons, who were carrying swords, guns, sticks, tridents, spears, and stones, and the police were walking along with them." "As soon as he came, Kapil Mishra started chanting slogans loudly, 'Desh ke gaddaro ko, goli maaro saalon ko'; 'Jai Shri Ram'; 'Kattue Murdabad'" –Shoot the traitors of this nation; Hail Lord Ram; Down with Muslims. Rehmat's complaint accused Mishra of using the word "kattue" to describe Muslims, which translates to circumcision and is used as a slur against the community. The police then charged the protesters, Rehmat wrote. "At night, the owner of Mohan Nursing Home, his staff, Kapil Mishra, and his associates started firing at the protesters and attacking them with lathis, sticks and swords. Many people were injured. I left for home by midnight."²²³ On 24 February, the situation only worsened in this part of Delhi, the police were present only in small numbers, as noted by Reuters' reporter, Devejyot Ghoshal, which raised the key question on the state's cold response and police inaction which led to the escalation of riots for many days.²²⁴

2.5 The Tale of Two Universities

2.5.1 Jamia Millia Islamia

13 December 2019

The Jamia Millia Islamia University was among the first to bear the brunt of state action in the wake of anti-CAA protests. A protest-march was called by the Jamia Teachers Association [JTA] from the university campus to the parliament to oppose the controversial Citizenship Amendment Act [CAA] and the architecture of exclusion it can engender in conjunction with National Popular Register [NPR] and National Register of Citizens [NRC] could render citizenship of Muslim community in India. This march was joined by hundreds of students of Jamia Millia Islamia.²²⁵

²²² *Ibid.*

²²³ Singh, P. (20 June 202). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [22 July 2020].

²²⁴ Scroll Staff. (26 February 2020). Why was Delhi Police unprepared for violence even after BJP leader Kapil Mishra's threats? *Scroll.in*. Retrieved from <https://scroll.in/article/954241/why-was-delhi-police-unprepared-for-mondays-violence-even-after-bjp-leader-kapil-mishras-threats> [25 July 2020].

²²⁵ Ibrar, M. (13 December 2019). Citizenship Amendment Act protests in Delhi: 50 Jamia Millia Islamia students detained after clash with cops. *The Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/delhi-jamia-millia-islamia-students-clash-with->

The police blocked the protestors near gate number 3 of the university i.e. Nawab Mansur Ali Khan Pataudi Sports Complex. This led to clashes between these two parties, which led to detention of 50 students. Students alleged that police used excessive force to push the students beyond the barricading. Protestors insisted on marching that led to the violence. In order to disperse the crowd, tear gas shells were thrown inside the university campus and this violence continued for about two hours causing serious injuries to at least 12 to 13 students:

“We were marching peacefully and the police stopped us from marching. First, they lathi-charged us asking us to move backward. Then they pelted stones in response to which students picked up stones too,” Onaihza, a law student at Jamia, said.

However, police denied such allegations. Senior top officials that were present at the spot said, “Students started their march. We had placed barricades which they broke and tried to jump over them. Then they threw stones at us forcing us to use teargas shells. The students have been detained and taken to Badarpur police station.”²²⁶

Later, the university gates were shut along with the many metro stations including Janpath and Patel Chowk, following the police advisory.²²⁷ On 14th December 2019, Jamia announced postponement of semester exams.²²⁸

15 December 2019

Police Action and Use of Communal Slurs:

After the clashes of December 13th, another protest-cum-march was called for by the locals [Jamia Nagar] against the CAA, where the protestors insisted to march towards the Parliament but were stopped near New Friends Colony (Mathura Road). Protestors allegedly ablaze public and private vehicles. The violence escalated with more intensified clashes between the protestors and the police. In order to chase down the protestors, the Delhi Police cracked down on students of Jamia Millia Islamia.

Over hundreds including police personnel got injured in the clash.²²⁹ In Jamia Nagar,

police-after-march-opposing-cab-stopped/articleshow/72526897.cms [28 July 2020].

²²⁶ Press Trust of India. (13 December 2019). Jamia Millia students & Delhi Police clash amid protests over citizenship law, around 50 detained. The Print. Retrieved from <https://theprint.in/india/jamia-millia-students-delhi-police-clash-amid-protests-over-citizenship-law-50-detained/334918/> [28 July 2020].

²²⁷ *Ibid.*

²²⁸ Sarfaraz, K. (14 December 2019). Jamia postpones semester exams midway, after violent protests. Hindustan Times. Retrieved from <https://www.hindustantimes.com/education/jamia-postpones-semester-exams-scheduled-today-due-to-citizenship-bill-protest/story-XeiSFSE9swq9VoQdn1XB2J.html> [28 July 2020].

²²⁹ Express Web Desk. (15 December 2019). After violence during CAA protest, police storm Jamia Millia Islamia campus, beat up students. Indian Express. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-police-lathicharge-tear-gas-students-on->

Kalindi Kunj, and Kalkaji police station, police arrested 50 students of Jamia Millia and residents of Jamia Nagar locality. They were released in the early morning.²³⁰

Around 6:45 PM, the situation worsened in the Jamia campus when police resorted to batons and started beating up students and simultaneously lobbing tear gas shells inside the campus. The protestors too retaliated by hurling stones at the police personnel. Police entered the campus and allegedly dragged students out of the library and mosque, and assaulted them. Many students were taken out of the campus with their hands up in the air. They said they were brought out from the Central Library. Police allegedly used communal slurs, tortured female students physically and mentally:

“Female police officers snatched my *hijab* and *burqa*. When I fell on the ground, a male police officer stomped on my chest and stomach with his boots,” told Rafia Fatima. Fatima’s medical reports showed “blunt chest injury”.²³¹

“The police officers kept kicking me in my stomach and said ‘*daadhi rakh ke tu India ki baat karega?* (How are you speaking of India after keeping a beard?),” said Mohammed Qasim, a student of Jamia, at the press conference.²³²

Another student, Suyash Tripathi, said police officers asked him his name and when he replied, they asked him what he was doing at the protest. “‘*Tu in ch***o ke beech me kaise phas gaya?* (How did you get stuck with these fools?)’. They asked me,” Tripathi claimed.²³³

According to a Tweet from the official Twitter handle of Jamia Millia Islamia, Waseem Khan, the chief proctor of the university, said the police “entered” the campus by force. Staff members and the students were beaten up and forced to leave the campus.²³⁴

Police Stormed the Campus

The police fired tear gas shells and entered the library. Many students shut themselves inside the washroom, many took refuge underneath the desk and some ran towards the top floor of the new library. However, police denied any such allegations of entering into the library. “No police personnel went inside the library or vandalized it. Tear gas shells

jamia-millia-islamia-campus-6168540/ [28 July 2020].

²³⁰ Sharma, K. & Bhardwaj, A. (16 December 2019). Jamia students’ protest was peaceful, violence started ‘after local residents entered university’. The Print. Retrieved from <https://theprint.in/india/jamia-students-protest-was-peaceful-violence-started-after-local-residents-entered-university/335768/> [28 July 2020].

²³¹ Khan, F. (12 February 2020). ‘Police snatched my hijab, burqa’ - Jamia students claim Delhi Police used communal slurs. The Print. Retrieved from <https://theprint.in/india/police-snatched-my-hijab-burqa-jamia-students-claim-delhi-police-used-communal-slurs/364329/> [28 July 2020].

²³² *Ibid.*

²³³ *Ibid.*

²³⁴ Press Trust of India. (15 December 2019). Police entered campus by force, no permission taken: Jamia Millia Islamia Chief Proctor. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/police-entered-campus-by-force-no-permission-taken-jamia-millia-islamia-chief-proctor/1686211> [12 July 2020].

may have gone inside the library since it was close to the places from where they were being fired,” said Mandeep Singh Randhawa, a spokesperson of Delhi Police.²³⁵

Later, on 15 February 2020, Jamia Co-ordination Committee, [An independent body which is unrelated to the university] released CCTV footage which showed police personnel including paramilitary forces barging into the library and beat up the students who were reading at their respective seats.²³⁶ Another clip was released by *The Quint* showed police personnel using lathi to break CCTV cameras and tables of the library. Students were seen pleading to leave the campus.²³⁷

“I was reading a book when dozens of policemen broke open the door to barge in. Four of them rained batons at me until I could raise my hand no more to defend myself,” said Sajid Iqbal, who was sitting in the old library building. He had a fractured hand and swollen fingers. He was not detained by the police.²³⁸

The students weren’t the only ones who claimed that they were beaten by the police. Hindustan Times reported on 17 December 2019, “Mohammad Irshad Khan, a former army man serving as a guard in the varsity, said he had tried to stop about three dozen policemen from barging into the libraries’ compound, but the policemen allegedly snatched his wireless set and rained batons on him till he collapsed.”²³⁹

Did the Police Fire Bullets?

News reports emerged of two men Shoaib Khan, 23, and Azaz, 22 who were admitted to the Safdarjung Hospital for gunshot wounds. However, the police denied any such allegation. On 16 December 2019, Joint Commissioner of Police Devesh Srivastav said, “We have not shot anyone and we do not have rubber bullets.”²⁴⁰

²³⁵ Sunny, S. & Sarfaraz, K. (17 December 2019). Bloodstains, used tear gas shell in Jamia library capture Sunday’s violence. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/bloodstains-used-tear-gas-shell-in-library-capture-sunday-s-violence/story-FRVJH7Im0JGQU8kf5nqFAL.html> [28 July 2020].

²³⁶ Shankar, A. (27 February 2020). Camera nails official denial: Police did enter Jamia library, beat students. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/jamia-police-violence-library-new-video-students-6271631/> [28 July 2020].

²³⁷ Moizee, S. (17 February 2020). Exclusive: New Video Shows Police Breaking CCTV in Jamia Library. *The Quint*. Retrieved from <https://www.thequint.com/news/india/full-clip-shows-delhi-police-broke-cctv-thrashed-jamia-students-library> [28 July 2020]

²³⁸ Sunny, S., & Sarfaraz, K. (17 December 2019). Bloodstains, used tear gas shell in Jamia library capture Sunday’s violence. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/bloodstains-used-tear-gas-shell-in-library-capture-sunday-s-violence/story-FRVJH7Im0JGQU8kf5nqFAL.html> [28 July 2020].

²³⁹ Sunny, S. & Sarfaraz, K. (17 December 2019). Bloodstains, used tear gas shell in Jamia library capture Sunday’s violence. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/bloodstains-used-tear-gas-shell-in-library-capture-sunday-s-violence/story-FRVJH7Im0JGQU8kf5nqFAL.html> [28 July 2020].

²⁴⁰ Pandey, T. (16 December 2019). Jamia protest aftermath: Passerby shot in leg, claims police took shot >>

Another man, Mohammed Tamin, who was admitted to the Holy Family hospital for the same reason said that police fired at him though he was not even a part of the protest but was merely passing by the protest site. Tamin's medical reports revealed that he had a "gunshot" wound on his left leg. Bullets have been sent for the forensic report. Reports are yet to be released.

"There were police officers who saw me going, they didn't ask anything, took a straight shot at my leg. I wasn't even protesting. I was passing by from the Okhla area. I was on a bike when suddenly police started lathi charging students," said Tamin to *India Today*.²⁴¹

Later, on 5 January 2020, a Delhi Police inquiry into violence found that two police personnel had in fact fired 3 rounds of bullets during the violence that occurred on 15th December 2019. *The Indian Express* noted, "The Southeast district police identified the personnel as well as the ACP, and it was confirmed that firing had, in fact, taken place".²⁴²

University Version and Police Version:

Dissociating from the violence, Najma Akhtar, Vice-Chancellor of Jamia Millia Islamia said that the students had not given the call for the protest on 15 December and that they were not inclined towards the group that was marching on the same date. She alleged, "Police ran after them. They could have at least asked us but they just entered the university. They broke open our library and troubled our students".²⁴³

The Student community of Jamia Millia Islamia also denied any involvement in the arson and rioting, the statement reads, "We have time and again maintained that our protests are peaceful and non-violent. We stand by this approach and condemn any party involved in the violence. We have maintained calm even when students were lathi-charged and some women protestors were badly beaten up."

Explaining the situation Chinmoy Biswal, Deputy Commissioner of Police [DCP South East] said, "When the violent mob was being pushed back to Jamia Nagar, many were going inside the university gates and throwing stones at us from there."²⁴⁴

without cause. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/jamia-protest-aftermath-passerby-shot-in-leg-claims-police-took-shot-without-cause-1628811-2019-12-16> [28 July 2020]

²⁴¹ *Ibid.*

²⁴² Manral, M. S. (05 January 2020). Delhi Police denied it, but internal probe finds 2 of their personnel fired during Jamia protests. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/citizenship-act-protest-jamia-university-delhi-police-firing-6200029/> [28 July 2020]

²⁴³ PTI. (15 December 2019). Delhi Police entered university by force, beat up staff and students: Jamia proctor. *The Print*. Retrieved from <https://theprint.in/india/delhi-police-entered-university-by-force-beat-up-staff-and-students-jamia-proctor/335730/> [28 July 2020]

²⁴⁴ Barman, S. & Baruah, S. (17 December 2019). CAA protests: Mob hits the street, police Jamia campus and >>

Student communities across the country hit the streets against police brutality and in solidarity with Jamia students. The Jawaharlal Nehru University Student Union called for the protest at ITO in the late evening on 15th December, just after police barged into the Jamia Millia Islamia campus. Thousands of protestors gathered outside the police headquarters, ITO. Protestors raised anti-police slogans and demanded those who have been detained should be released immediately.²⁴⁵

2.5.2 Jawaharlal Nehru University: Attack Continues

Horrific Evening of 5 January 2020:

JNU students had been criticizing the Citizenship Amendment Act and its students' union (JNUSU) had been participating in several protests too.²⁴⁶ Prior to this the JNUSU had also been protesting against the hostel fee hikes announced on 13 November 2019: the JNU administration had hiked hostel fees by 150 percent which would have made JNU the most expensive Central University of the country.²⁴⁷ As a part of the protest, they refused to write the semester exams too.²⁴⁸ Though the administration on 14 November 2019 partially rolled back the fee hike, but the students and JNUSU were demanding a complete rollback.²⁴⁹

On the evening of 5 January 2020, around 6:00 PM, around a dozen masked youth armed with steel rods, wooden clubs and the like entered the campus chanting "Jai Shri Ram" [Hail Lord Ram], a reference to the Hindu God, which has become a battle cry of far-right Hindu zealots in the country. They picked up bricks and large stones as they rampaged through the Campus, entering the Sabarmati, Mahi Mandvi and Periyar Hostels, smashed their way through glass doors, and brutally assaulted certain students.²⁵⁰ 42 people

students. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/citizenship-act-protests-mob-hits-the-street-police-jamia-millia-islamia-campus-and-students-6169042/> [21 July 2020].

²⁴⁵ Press Trust of India. (15 December 2019). Protests outside Delhi Police headquarters at ITO. *Livemint*. Retrieved from <https://www.livemint.com/news/india/protests-outside-delhi-police-headquarters-at-ito-11576440500473.html> [28 July 2020]

²⁴⁶ Press Trust of India. (17 December 2019). Don't make CAA protest only about Jamia, AMU, JNU: JNUSU president. *Business Standard*. Retrieved from https://www.business-standard.com/article/pti-stories/don-t-make-cao-protest-just-about-jamia-amu-jnu-jnusu-president-aeshe-ghosh-119121701224_1.html [11 July 2020].

²⁴⁷ Sharma, K. & Krishna, T. (19 November 2019). After hostel fee hike, JNU will become India's most expensive central university. *The Print*. Retrieved from <https://theprint.in/india/education/after-hostel-fee-hike-jnu-will-become-indias-most-expensive-central-university/320897/> [22 July 2020].

²⁴⁸ Sarfraz, K. JNU students support exam boycott but worry over loss of studies. (04 December 2019). *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/jnu-students-support-exam-boycott-but-worry-over-loss-of-studies/story-eZ6n2x05JCUM8ieedk7oUJ.html> [11 July 2020].

²⁴⁹ Sharma, K. & Krishna, T. (19 November 2019). After hostel fee hike, JNU will become India's most expensive central university. *The Print*. Retrieved from <https://theprint.in/india/education/after-hostel-fee-hike-jnu-will-become-indias-most-expensive-central-university/320897/> [22 July 2020].

²⁵⁰ India Today Web desk. (5 January 2020). ABVP members barged into JNU hostels, attacked students with >>

including students and teachers were injured. Some of them were seriously injured, and were admitted to the All India Institute of Medical Science [AIIMS]. All of them were discharged the next day.²⁵¹

A report by the Hostel Wardens of Sabarmati Hostel to the JNU Administration stated that the smaller mob that initially entered was later reinforced by a mob of about 150 masked intruders who entered Sabarmati Hostel at 7.00 pm, and wreaked havoc and destruction there.²⁵² News Reports offered links to grisly video recordings which showed the mob roaming freely and with impunity within the Campus, indulging in violence and mayhem.²⁵³ The mob with bricks and sticks vandalized the university property. In a video of the incident, the attacker was seen raising sticks and bottles to attack while students screamed in terror. Sabarmati Hostel, where 400 students live faced the worst attack. Some students hid behind the tables, two students jumped from the first floor to escape the mob, fracturing their legs.²⁵⁴

The mob moved inside the campus freely for hours, without being stopped by the police or security guards. The mob was also helped by the fact that street lights on the streets from which the mob entered and departed were conveniently switched off throughout this period. The warden of Sabarmati Hostel took the blame and resigned.²⁵⁵

Planning and Plotting via Messaging Apps:

Screenshot of two WhatsApp groups, 'Friend of RSS' and 'Unity Against Left' were being shared on social media, where members of the group were planning and celebrating the attack. A message read, "saalon ko ghus kar tode," while another participant text read, "Absolutely, it is time to settle things once and for all. If we don't beat them up now, then when? The 'komiyo' [communists] have spread filth." While the number associated with another message, "We entered their hostels and beat them up", was traced to Saurabh Dubey, who managed a WhatsApp group called, "JNUites For Modi".

Many videos of the attack surfaced on social media. Several men had been identified as

sticks, claims JNUSU. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/jawaharlal-nehru-university-sabarmati-hostel-abvp-jnusu-1634173-2020-01-05/> [08 September 2020].

²⁵¹ Schultz, K., & Raj. S. (06 January 2020). Masked Men Attack Students in Rampage at University in New Delhi. *NY Times*. Retrieved from <https://www.nytimes.com/2020/01/05/world/asia/india-jawaharlal-nehru-university-attack.html> [28 July 2020].

²⁵² Pandey, C. M. (14 January 2020). Mob of 150 left students traumatized: Sabarmati hostel wardens' account of JNU violence. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/jnu-violence-sabarmati-hostel-wardens-report-1636621-2020-01-14>. [21 June 2020].

²⁵³ *Ibid.*

²⁵⁴ Roy, R., & Ghosh, D. (06 January 2020). 2 JNU Students Jumped From 1st Floor To Escape Mob, Suffered Fractures. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/jnu-violence-jnu-hostel-warden-quits-writes-trying-but-couldnt-provide-security-2159399> [28 July 2020].

²⁵⁵ *Ibid.*

members of ABVP. In one image, a young man, Vikas Patel, a member of ABVP's JNU executive committee can be seen with dozens of mobs armed with lathis. He himself was seen holding fibre-baton, similar to those issued to the Delhi Police.^{[256][257]}

Another video surfaced on social media in which a masked woman could be seen vandalizing the hostel and intimidating students. Several news outlets including India Today did a sting operation which confirmed her identity as Komal Sharma, a student of Daulat Ram College, University of Delhi and a member of the ABVP.

Sting operation conducted by India Today showed the confession of two first year students named Akshat Awasthi, an ABVP activist, and Rohit Shah who had led an attack on Periyar hostel of JNU. Awasthi, a resident of Kaveri Hostel was seen confessing in that sting that ABVP had played a crucial role in "channelling" the attack.

However, Hindu Raksha Dal, a far-right Hindu nationalist outfit, claimed the responsibility of the attack. Mr. Pinky Chaudhary, a leader of the Hindu Raksha Dal was quoted, "JNU is a hotbed of anti-national activities, we can't tolerate this. We take full responsibility for the attack in JNU and would like to say that they were our workers." No action has been taken against him till date.²⁵⁸

The JNU Students Union has and the professors of JNU largely blamed ABVP, a right-wing students' group linked to the ruling Bharatiya Janata Party [BJP]. While ABVP and BJP leaders blamed the left-leaning student bodies for the attack.

The Role of police and State:

Akshat Awasthi was also asked about the reports of lights being shut off at the time of the incident. To which, he said, "Admin...I think the police." When the sting reporter of India Today asked, so the police helped you, the ABVP? To which he responded, "Whose police is it, sir?"²⁵⁹

Delhi Police Public Relations Officer M.S. Randhawa had told the press that the JNU

²⁵⁶ Jain, S., & Gunasekhar, A. (06 January 2020). Exclusive: Images Hint At BJP-Linked Student Body's Role In JNU Attack. NDTV. Retrieved from <https://www.ndtv.com/india-news/jnu-attack-images-hint-at-bjp-linked-abvps-role-2159587> [28 July 2020].

²⁵⁷ Scroll Staff. (07 January 2020). JNU: WhatsApp messages planning attack traced to ABVP activists. Scroll. Retrieved from <https://scroll.in/article/948899/jnu-whatsapp-messages-planning-attack-traced-to-abvp-activists> [28 July 2020].

²⁵⁸ HT Correspondent. (07 January 2020). 'Were our workers': Hindu Raksha Dal claims responsibility for JNU violence. Hindustan Times. Retrieved from <https://www.hindustantimes.com/india-news/were-our-workers-hindu-raksha-dal-claims-responsibility-for-jnu-violence/story-vRW1UxTG9dDMECvSy5Zwpj.html> [28 July 2020].

²⁵⁹ Khan, J. A. & Jain, N. (11 January 2020). JNU Tapes: India Today unmasks ABVP attackers in a big sting, Left role also exposed. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/india-today-sting-operation-jawaharlal-nehru-university-violence-jnu-attackers-abvp-delhi-police-aishe-ghosh-1635757-2020-01-10> [28 July 2020].

administration had requested the police to control the escalating situation only at around 7.45 PM. He said, “We are usually deployed in the administration block, but the place where the scuffle broke out was a little farther. The JNU administration called us up around 7:45 PM, after which we brought the situation under control. The Crime Branch will investigate the matter, and CCTV footage has been collected”.²⁶⁰

However, the FIR notes that the police officer was informed of the armed, masked mob at around 3.45 PM and also received a request from JNU administration to prevent violence around the same time.²⁶¹ The South-West Delhi’s Deputy Commissioner of Police Devender Arya has explained the situation that there must be “mistake” in framing the FIR. He said the police were “waiting” outside the campus for “permission”.²⁶² This explains the anomalies of the Delhi Police, the police who have no hesitation in cracking down in Jamia even without any permission, and storming the library as well as beating up the students who were studying there, stood as mere spectators in JNU, even seeming to have escorted the masked mob.²⁶³

On 5 January 2020, Police were accused of not doing enough to stop the masked mob from entering the campus and attacking JNU students. After attacking residents of JNU, not only the mob got away freely, no arrests were made either. JNUSU vice-president Saket Moon said, “The police have been on the campus since afternoon, but they have done nothing.”²⁶⁴

Contrary to Jamia Millia Islamia, the role of police in case of JNU has been questioned for overall a different reason. While the mob was still in the campus, within 4 minutes JNU administration filed two FIRs. The first FIR was regarding the alleged attack on the security guards and vandalizing the server rooms on 1st and 4th January 2020, i.e. just a day before the attack. 26 students have been charged with vandalising the server room of the university twice including Aishe Ghose, JNUSU president, who was still bleeding after the attack.²⁶⁵

“There was an attempt to murder me but the Vice-Chancellor didn’t even bother to find

²⁶⁰ Jacob. J. (06 January 2020). ‘Scuffle Among Students, Not Where We Were Posted’: Police On JNU Attack. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/delhi-police-on-jnu-attack-scuffle-among-students-took-place-away-from-administrative-block-where-we-2159645> [28 July 2020].

²⁶¹ The Wire Staff. (9 January 2020) JNU Attack: What the Delhi Police Has Done and What it Hasn’t. *The Wire*. Retrieved from <https://thewire.in/government/jnu-attack-what-the-delhi-police-has-done-and-what-it-hasnt> [16 July 2020].

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ Achom, D. (05 January 2020). Armed Mob That Attacked JNU Students Seen In Pics Entering Campus. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/armed-mob-that-attacked-jnu-students-seen-in-pics-entering-campus-2159214> [20 June 2020].

²⁶⁵ Gunasekar, A. & Dwivedi. S. (07 January 2020). As JNU Student Leader Was Bleeding, 2 Cases Against Her Within 4 Minutes. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/3-police-cases-for-jnu-none-lists-those-responsible-for-mob-violence-2159937> [12 July 2020]

out how we were. It is so sad...I used to consider JNU my second home," told Aishe Ghosh.²⁶⁶

Special Investigating Team is probing into the violence. 37 out of 60 members of a group "Unity Against Left" were identified that included 10 outsiders, the team claimed 11 January 2020. So far, very little interest has been shown by special investigation team and a panel which was set up by the university to unearth the case. No has been arrested so far.²⁶⁷

President of Sabarmati hostel at JNU, Monika Bishnoi, said no one contacted her for questioning. "Our hostel residents should technically be the first one to reach out to know about the violence. We are not being contacted by any of the committee members yet." Sabarmati had witnessed maximum vandalism during the violence."²⁶⁸

2.6 Delhi Elections: A Reckless Communal Campaign

Incitements and hate speeches remained the highlight of the Delhi Assembly election 2020. In the high pitch election, every political party resorted to rhetoric but Bharatiya Janata Party [BJP] topped the chart.²⁶⁹ The ruling party demanded direct and indirect actions against the Anti-CAA-NRC protestors. This was followed by the firing at Jamia Millia Islamia, Shaheen Bagh, the epicentres of the protest against NRC-CAA led by the students and women, as well as riots in North-Eastern parts of Delhi at the end of February.²⁷⁰ Arvind Kejriwal, the Chief Minister of Delhi, maintained a calculated distance from the protest sites and protestors, and to attract the vote base of BJP, even he flaunted his Hinduism by reciting Hanuman Chalisa alongside the two key issues- Health and Education.²⁷¹

²⁶⁶ *Ibid.*

²⁶⁷ Lama, P. & Iftikhar, F. (04 February 2020). Month after mob attack on JNU campus, probe has zero answers. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/month-after-jnu-violence-probe-has-zero-answers/story-chke9IzDTozZ79RMSOCufM.html> [12 July 2020]

²⁶⁸ *Ibid.*

²⁶⁹ India Today Desk. (23 February 2020). Hate speech cost BJP Delhi elections, people like Kapil Mishra should be removed: Manoj Tiwari. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/hate-speech-cost-bjp-delhi-elections-people-like-kapil-mishra-should-be-removed-manoj-tiwari-1649227-2020-02-23> [16 July 2020].

²⁷⁰ Ojha, A. (01 February 2020). Shaheen Bagh firing: Shooter shouts sirfHinduonkichalegi, detained. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/shaheen-bagh-shooting-anti-cao-protest-violence-delhi-police-protesters-1642353-2020-02-01> [16 July 2020].

²⁷¹ Menon, A. (04 February 2020). Delhi Polls: Why is Kejriwal Silent on CAA Protests? Data Explains. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/arvind-kejriwal-citizenship-amendment-act-protests-delhi-assembly-elections> [28 July 2020].

2.6.1 Incitement and Call to Action

On 27 January 2020, in an election rally in Rithala, Anurag Thakur, a junior finance minister in the Narendra Modi-led government, egged on the crowd, “Desh ke gaddaron ko” [traitors of the country], to which the crowd responded with “Goli maron saalon ko” [Shoot them all].²⁷² Along with this slogan, “Jo Hindu hind ki baat karega, woh hi desh pe raj karega!” [Only those who speak of the Hindu land can rule over this country] and “Tukde-tukde gang” reverberated during the whole campaign of Delhi election.²⁷³

Just after a couple of days when Thakur raised the incendiary slogan, on the evening of 1 February 2020, a 12th class drop out, Kapil Gujjar fired the bullet at the protestors at Shaheen Bagh. While firing he shouted, “Iss desh mein kisi ki nahin chalegi, sirf Hinduon ki chalegi. [In this country, no one but Hindus can have their say].²⁷⁴ The incident came two days after another incident, when on 30th January a teenager named Rambhakt Gopal shot at the protestors of Jamia Millia Islamia near the university campus. All this happened despite heavy deployment of police at these protest sites. While shooting at the protestors who were marching towards the Rajghat on the occasion of Gandhi’s death anniversary, the boy shouted, “Ye lo azaadi [Take your freedom]”.²⁷⁵

Gopal was booked under the Arms Act and charged with an attempt to murder while Kapil Gujjar was granted bail by the Delhi High Court on 7 March 2020.²⁷⁶ Video of his reaching home surfaced on social media in which he was being welcomed by the crowd with music and loud cheers.²⁷⁷

2.6.2 Provocative Speeches Provided the Fertile Ground?

Vitriolic speeches delivered by the top BJP leaders sharpened the polarisation which

²⁷² Arnimesh, S. (07 February 2020). Amit Shah, Adityanath, Anurag Thakur - 5 most provocative speeches of Delhi elections. Retrieved July from <https://theprint.in/politics/amit-shah-adityanath-anurag-thakur-5-most-provocative-speeches-of-delhi-elections/361052/> [15 July 2020].

²⁷³ Penkar, A. (07 February 2020). At Delhi rallies, Adityanath’s corrosive rhetoric resonates with misinformed voters. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/adityanath-delhi-rallies-corrosive-rhetoric-resonates-misinformed-voters>

²⁷⁴ Ojha, A. (01 February 2020). Shaheen Bagh firing: Shooter shouts sirfHinduonkichalegi, detained. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/shaheen-bagh-shooting-anti-cao-protest-violence-delhi-police-protesters-1642353-2020-02-01> [16 July 2020].

²⁷⁵ Scroll Staff. (01 February 2020). Delhi: Gunman opens fire in Shaheen Bagh, two days after Jamia shooting. *Scroll.in*. Retrieved from <https://scroll.in/latest/951841/delhi-gunman-opens-fire-in-shaheen-bagh-days-after-jamia-shooting> [15 July 2020].

²⁷⁶ IANS. (07 March 2020). Shaheen Bagh shooter Kapil Gujjar released on bail. *Live Mint*. Retrieved from <https://www.livemint.com/news/india/shaheen-bagh-shooter-kapil-gujjar-released-on-bail-11583597201231.html> [15 July 2020].

²⁷⁷ NH Web Desk. (9 March 2020). WATCH: Shaheen Bagh shooter Kapil Gujjar gets grand welcome after getting released on bail. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/india/watch-shaheen-bagh-shooter-kapil-gujjar-gets-grand-welcome-after-getting-released-on-bail> [15 July 2020].

ultimately flared up in the communal violence in North-East Delhi. Former BJP president and now Home Minister of the country Amit Shah delivered a fiery speech on 26 January 2020 during the campaign, covering every pressing issue from Ram Mandir to the abrogation of article 370 in Kashmir at a public gathering in Babarpur [North-East's Part of the National Capital], where later in February communal riot broke out in which 53 lives were snuffed out in hatred.²⁷⁸

The highlight of his speech was when he raised the issue of the controversial Citizenship Amendment Act, "Modiji gave citizenship to these people who needed help, and Kejriwal opposed it. Kejriwal, Rahul *baba*, and Imran Khan have the same language," he said. "Only the BJP can keep this country safe." He concluded the speech: "When you give your vote in the coming elections, press the button so hard and with such anger, that the current reaches Shaheen Bagh."²⁷⁹

Another BJP high-profile campaigner Ajay Singh Bisht [Popularly known as Yogi Adityanath], the chief minister of India's most populous state Uttar Pradesh, attended 14 rallies starting from 1st February 2020. His speech revolved around Shaheen Bagh, Kashmir, terrorism, biryani, bullets, and Pakistan. Adityanath said in a rally during the campaign, "Those who supported terrorists in Kashmir have come and sat on a dharna in Shaheen Bagh against the CAA and are raising slogans of 'azadi'." At the Karawal Nagar rally, he said, "The protests (at Shaheen Bagh) have disrupted daily life, we cannot condemn it less." The crux of his speech was, "*boli ki bhasha nahi manenga toh goli ki bhasha samjayega* (those who don't understand words, will surely understand the language of the bullet)".²⁸⁰ In Yogi Adityanath's state Uttar Pradesh [UP], where 19 protestors were killed, The UP police had been accused of using bullets against the CAA-NRC protestors.²⁸¹

Ahead of the polling on 8th February 2020, Yogi Adityanath and Amit Shah both attended a total of 59 rallies including a number of road marches and public gatherings. They attended 16 rallies in North-East and East Delhi alone. In his speech, Adityanath often referred to the protestors and dissenters as "terrorists" and the "tukde-tukde gang."²⁸²

²⁷⁸ Tiwari, A. (27 January 2020) In BJP's Delhi campaign, 'Hindu samrat' Amit Shah sells Kashmir, Ayodhya, JNU and CAA. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/01/27/in-bjps-delhi-campaign-hindu-samrat-amit-shah-sells-kashmir-ayodhya-jnu-and-cao> [23 July 2020].

²⁷⁹ *Ibid.*

²⁸⁰ The Wire Staff. (2 February 2020). Bullets, Biryani, Shaheen Bagh: The Essence of Adityanath's Delhi Poll Speeches. *The Wire*. Retrieved from <https://thewire.in/politics/delhi-assembly-polls-adityanath> [18 July 2020].

²⁸¹ Khan, F. (29 December 2019). In Yogi bastion Gorakhpur, residents say police strictly obeying CM's 'revenge' statement. *The Print*. Retrieved from <https://theprint.in/india/in-yogi-bastion-gorakhpur-residents-say-police-strictly-obeying-cms-revenge-statement/342216/> [21 July 2020].

²⁸² Tiwari, A. (27 January 2020) In BJP's Delhi campaign, 'Hindu samrat' Amit Shah sells Kashmir, Ayodhya, JNU and CAA. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/01/27/in-bjps-delhi-campaign-hindu-samrat-amit-shah-sells-kashmir-ayodhya-jnu-and-cao> [23 July 2020].

The areas traversed by Shah and Adityanath included neighbourhoods that later formed the ground zero of the Delhi violence. Adityanath held rallies in Karawal Nagar and East Delhi's Shahdara and Patparganj on February 1st and 4th respectively.²⁸³ Amit Shah held rallies on January 24 in Mustafabad, Karawal Nagar, and Gokulpuri. On January 26 he rallied in Rohtas Nagar and Babarpur, and also did a road show in Ghonda. On February 2nd, he held a rally in Burari. Two days later i.e. on February 4th, he delivered a speech in Timarpur. On February 5th, he was in East Delhi's Krishna Nagar and Gandhi Nagar. On February 6, the last day of campaigning, he led a roadshow in North East Delhi's Seemapuri.²⁸⁴

Karawal Nagar, Mustafabad, Gokulpuri, Babarpur, and Ghonda faced the direct wrath of communal violence. These Assembly constituencies constitute localities such as Yamuna Vihar, Brahampuri, Bhajanpura, Shiv Vihar, Khajuri Khas, Chand Bagh, Johripur, and Kardampuri.²⁸⁵ Seemapuri, Shahdara, Krishna Nagar, Gandhi Nagar, and Timarpur were in the vicinity of the areas affected by the violence.²⁸⁶

2.6.3 The Role of Election Commission

Delhi election reportedly has been marked as one of the most communal election campaigns in India's history.²⁸⁷ On 28 January 2020 another BJP leader and the Member of the Parliament from West Delhi, Parvesh Verma also delivered the "hate speech". While in an interview with *ANI*, Verma went on to compare the Anti-CAA-NRC protesters with militants of Kashmir. He said, "they will enter your house...abduct your sisters and mothers, rape them, kill them the way militants had treated Kashmiri Pandits".²⁸⁸

He went on, "Lakhs of people gather there (Shaheen Bagh) and this fire can anytime reach households of Delhi". He said. "People of Delhi need to think about it and decide. These people will enter your house, will abduct your sisters and mothers, rape them, kill them, that's why today is the moment."²⁸⁹

Kapil Mishra, a candidate of BJP from Karawal Nagar constituency compared the Delhi election with the India-Pakistan match. He tweeted, "there will be a contest on the Delhi

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*

²⁸⁷ Sharma, M. (04 February 2020). "GoliMaro": How Hate Speech Has Become the Official Campaign Strategy for the Delhi Elections. *Arre*. Retrieved from <https://www.arre.co.in/politics/how-hate-speech-has-become-the-official-campaign-strategy-for-the-delhi-elections/> [12 July 2020].

²⁸⁸ Arnimesh, S. (07 February 2020). Amit Shah, Adityanath, Anurag Thakur - 5 most provocative speeches of Delhi elections. Retrieved July from <https://theprint.in/politics/amit-shah-adityanath-anurag-thakur-5-most-provocative-speeches-of-delhi-elections/361052/> [15 July 2020].

²⁸⁹ *Ibid.*

Roads between India and Pakistan on February 8.”²⁹⁰ “*Pakistan ki entry Shaheen Bagh mein ho chuki hain. Delhi mein chhote chhote Pakistan banaaye jaa rahe hain. Shaheen Bagh, Chand Bagh, Indralok mein desh ka kanoon nahi mana jaa raha hain. Pakistani dangayiyoo ka Delhi ki sadko pe kabza* (Pakistan has entered Shaheen Bagh. In Delhi various mini Pakistans are being erected. India’s law is not being followed in places like Shaheen Bagh, Chand Bagh and Indralok. Pakistani rioters have captured the Delhi streets),” Mishra had tweeted or tweeted on 23 January 2020.²⁹¹

The list goes on and on. On 3rd February 2020, Prime Minister Narendra Modi, who addressed only two rallies, where in one of them he broke his silence over the NRC-CAA protest. Instead of condemning the shooting in broad daylight in the national capital, he launched a scathing attack on the protestors. He said, “Protests in Seelampur, Shaheen Bagh and Jamia over CAA are no coincidence but an experiment”. He goes on, “anarchists can’t be allowed to take over or else tomorrow some other road will be blocked.”²⁹²

Instead of taking some appropriate action, the Election Commission of Delhi takes the swift road of banning a few of them for a couple of hours from campaigning. SY Quraishi, former chief of Election Commission said, “I find it puzzling that despite the Election Commission of Delhi finding the speeches of Thakur and Verma guilty and violative of the Model Code of Conduct, the Election Commission of Delhi did not take any action under the criminal justice system.”²⁹³

2.6.4 After BJP’s Electoral Defeat

The Aam Aadmi Party almost swept the Delhi elections with winning 62 seats that was announced on February 11. Despite little increment in the vote share from the 2015 assembly election, the BJP was restricted to a single-digit party with meagre 8 seats. After the election, on 13 February 2020 Amit Shah in *Times Now Summit* candidly admitted that remarks like ‘*goli maro*’ and ‘Indo-Pak match’ should not have been made by BJP leaders during the campaign.²⁹⁴

²⁹⁰ Pandey, N. (28 January 2020). BJP MP says Shaheen Bagh protesters will ‘rape, kill’ as party makes it Delhi poll plank. *The Print*. Retrieved from <https://theprint.in/politics/bjp-mp-says-shaheen-bagh-protesters-will-rape-kill-as-party-makes-it-delhi-poll-plank/355438/> [23 July 2020].

²⁹¹ *Ibid.*

²⁹² Timesofindia.com (03 February 2020). Narendra Modi: ‘Political design’ behind anti-CAA protests at Jamia, Shaheen Bagh. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/india/political-design-behind-anti-kaa-protests-at-jamia-shaheen-bagh-pm-modi/articleshow/73904536.cms> [22 July 2020].

²⁹³ The Print Team. (03 February 2020). Hate speech, 3 shootings in 4 days: Is EC losing its authority in Delhi election? *The Print*. Retrieved from <https://theprint.in/talk-point/hate-speech-3-shootings-in-4-days-is-ec-losing-its-authority-in-delhi-election/359004/> [22 July 2020].

²⁹⁴ Tiwari, A. (27 January 2020) In BJP’s Delhi campaign, ‘Hindu samrat’ Amit Shah sells Kashmir, Ayodhya, JNU and CAA. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/01/27/in-bjps-delhi-campaign-hindu-samrat-amit-shah-sells-kashmir-ayodhya-jnu-and-kaa> [23 July 2020].

While Delhi BJP president Manoj Tiwari expressed his opinion that “hate speech” has “hurt” the BJP in the Delhi election. He further said, “Whatever the context, it was hate speech and our party had to face the losses due to that. We condemned that speech then as well as today.”²⁹⁵

He added, “...whichever politician gives hate speech should be penalized for their actions, even if it is party colleague Kapil Mishra who chanted “*Desh ke gaddaron ko, goli maaro saalon ko*” (shoot the traitors) at a pro-CAA rally in December”. Further adding, “I want those who make such hate speeches to be permanently removed. Let us start a system where people who give hate speeches lose their legal right (to fight polls). And if such a system is put in place, I, as an individual and not as party president, will support it. And everyone should be inspected”.²⁹⁶

The escalation of such “hate speech”, and the linkages with offline incidents can be encapsulated from a statement of a person who attended the Yogi Adityanath Rally in Harkesh Nagar, Okhla, not very far from Shaheen Bagh protest site which was at the centre of BJP’s poll campaign. He told Ahan Penkar of *The Caravan*, who was covering the Adityanath’s rally during the Delhi election, “Whoever is in Shaheen Bagh needs to be shot. How can they say these things against the country? Who are these people? Where are they from?”²⁹⁷

2.7 Instrumentalizing Social Media

Amit Shah, the Union Home Minister of India, defended Delhi Police for containing Delhi Riots within 36 hours on 11th March, 2020 in the Lower House of the Parliament. During the debate on Delhi violence, he also revealed the status of investigation made by the Delhi Police in riots. He said that the police are investigating social media accounts for their role in the violence. He said, “There were about 60 accounts on social media that started on 22nd and were closed on 26th. Do they think they would get away by closing such accounts? The police will find them out,” Shah said. “We wanted to ensure that Holi was celebrated peacefully, and thus we wanted discussions on the law and order situation in Delhi to take place after the festival,” Shah said.²⁹⁸

²⁹⁵ India Today Desk. (23 February 2020). Hate speech cost BJP Delhi elections, people like Kapil Mishra should be removed: Manoj Tiwari. India Today. Retrieved July 28, 2020, from <https://www.indiatoday.in/india/story/hate-speech-cost-bjp-delhi-elections-people-like-kapil-mishra-should-be-removed-manoj-tiwari-1649227-2020-02-23> [22 July 2020].

²⁹⁶ *Ibid.*

²⁹⁷ Penkar, A. (07 February 2020). At Delhi rallies, Adityanath’s corrosive rhetoric resonates with misinformed voters. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/adityanath-delhi-rallies-corrosive-rhetoric-resonates-misinformed-voters> [22 July 2020].

²⁹⁸ IANS. (11 March 2020). ‘60 social media accounts being probed in Delhi riots’: Amit Shah in Lok Sabha. *New Indian Express*. Retrieved from

Interestingly, a couple of months after Shah's speech, on 4 June 2020, Delhi Police submitted the transcript of WhatsApp group called "Kattar Hindut Ekta – Extremist Hindu Group" group as part of the chargesheet.²⁹⁹ The chargesheets were filed in relation with the killing of 9 Muslims in Bhagirathi Vihar locality. Strikingly, "Kattar Hindut Ekta", consisting of 125 members, was created on 25 February at 12:49 AM. By March 8, a total of 47 members had left the group as per the chargesheet. The WhatsApp group was used to mobilise, and coordinate the attack. The chat window of the group revealed how the riot was minutely planned. "Bhai tikone pe ajao," said one member at 9.05 am on February 25. When other members enquired about which junction he meant, another member responded at 9.11 am to say, "Bhagirathi vihar or joharipur ke bich me padta he jao bahot badi hindu ekta ho rhi he sare aa jao".³⁰⁰

On February 25, 11.21 PM, a person who identified himself Lokesh Solanki allegedly typed out a message on a WhatsApp group: "The whole of last night, I roamed around Bhagirathi Vihar, Ganga Vihar, Gokul Puri, Johripur. And smashed open the heads of 23 mullahs."³⁰¹

The group is full of text like these as chargesheets claimed, which police has submitted before Additional Chief Metropolitan Magistrate Vinod Kumar Gautam on June 29 for the alleged bludgeoning of nine people – Hamza, Aamin, Bhure Ali, Mursalin, Aas Mohd, Musharraf, Akil Ahmed, and Hashim Ali and his elder brother Aamir Khan – to death.³⁰² On the charges of murder, rioting with deadly weapon and criminal conspiracy, the chargesheet named, Lokesh Solanki, 19, Pankaj Sharma, 31, Ankit Chaudary, 23, Prince, 22, Jatin Sharma, 19, Himanshu Thakur, 19, Vivek Panchal, 20, Rishab Chaudary, 20, and Sumit Chaudhary, 23.³⁰³ The text of the group also revealed that the members were shouting help from RSS and Bajrang Dal – a far right Hindutva outfit. The group members also praised Kapil Mishra's "ultimatum speech".³⁰⁴

<https://www.newindianexpress.com/cities/delhi/2020/mar/11/60-social-media-accounts-being-probed-in-delhi-riots-amit-shah-in-lok-sabha-2115423.html> [22 July 2020]

²⁹⁹ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll.in*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [25 July 2020]

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² Scroll Staff. (04 July 2020). Delhi riots: 9 killed were forced to chant 'Jai shri Ram'; assault planned on WhatsApp, say police. *Scroll.in*. Retrieved from <https://scroll.in/latest/966461/delhi-riots-9-killed-were-forced-to-chant-jai-shri-ram-assault-planned-on-whatsapp-say-police> [25 July 2020].

³⁰³ M. K. & Manral, M. S. (03 July 2020). WhatsApp group with 125 members used to push hate, mobilise rioters in Northeast Delhi. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/northeast-delhi-riots-whatsapp-group-6488320/> [24 July 2020].

³⁰⁴ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a >>

Aamin was killed and thrown in a drain in Bhagirathi Vihar's C-block around 9.30 pm on February 25, when he was coming from Brijpuri Puliya on foot. On February 26, around 10.30 am, Bhure Ali was killed and thrown at the same spot as Aamin. Hamza was murdered on February 26 around 9.15 pm, and thrown in a drain in E-block, while coming from Mustafabad.³⁰⁵

"The extra-judicial confessions are further fortified by eyewitness accounts which fully establishes the culpability of the accused persons," the chargesheet noted. "The circumstantial evidence so collected during the investigation forms a chain of events. It is to further emphasize that these extra-judicial confessions were not extracted by police officers but are fully voluntary."³⁰⁶

While another social media star and self-proclaimed Hindutva leader, Ragini Tiwari, said on Facebook live video on 23rd February 2020, "*Bahut hua sanatan par vaar, ab nahi sahenge vaar. Sanataniyo baahar aao. Maro ya maar daalo. Baad mein dekhi jayegi. Bahut hua. Abhi jiska khoon na khaula, khoon nahi wo pani hai* (Enough attacks on Hinduism. We won't tolerate such attacks anymore. Hindus, come out. Die or kill. Rest shall be seen later. If your blood hasn't boiled even now, it's not blood but it is water)."³⁰⁷

However, despite outlining "hate speech" which triggered the communal violence, her name was not found in the chargesheet. Tiwari can be seen in the same live video, In the same video, Tiwari can be seen saying, "Kaat daalo, jo bhi hai, kaat daalo... Bhimti hai kya? (Cut him up, whoever it is, cut him up. Is he a Bhimta - a disrespectful term used for Babasaheb Ambedkar's supporters?)" when someone, who presumably seemed like he was from the Bhim Army, came into her line of sight.³⁰⁸

Tiwari did not stop at that viral Facebook live, according to eyewitnesses, she was present there very next morning until violence ravaged the North-East part of the capital. "At around 9 PM (on 23 February) I saw Ragini Tiwari come in a car with some people. The people accompanying her were carrying big guns and she began giving her speech. Often while making people chant slogans, she would fire bullets in the air, after which the mob began losing control," noted a eyewitness. "Then at around 10 PM near Mohan Nursing

window into the minds of Delhi rioters. *Scroll.in*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [25 July 2020].

³⁰⁵ M. K. & Manral. M. S. (03 July 2020). WhatsApp group with 125 members used to push hate, mobilise rioters in Northeast Delhi. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/northeast-delhi-riots-whatsapp-group-6488320/> [24 July 2020].

³⁰⁶ *Ibid.*

³⁰⁷ Menon. A. Iyer. S. A. (30 June 2020). 'Kaat Do' Said Ragini Tiwari, 'Eyewitness' Saw Her Firing Bullets. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragini-tiwari-hindutva-bjp-muslims> [25 July 2020].

³⁰⁸ *Ibid.*

Home, where she was giving her speech, the mob was chanting slogans “Ragini Tiwari Zindabad” “Desh ke gaddaron ko, goli maaro saalo ko (shoot the traitors)”, “Musalmaano ke do hi sthan, Pakistan ya qabristan (there are only two places for Muslims – Pakistan and the graveyard)” and vitiating the atmosphere. Ragini Tiwari was the first to shoot at us and it hit the head of a boy who was standing there. This caused confusion. After this, there was stone pelting and firing. This is when I ran home.”³⁰⁹

In a video meeting with Facebook employees, referring to Kapil Mishra’s “ultimatum speech” Mark Zuckerberg, the CEO of Facebook, said, “And there have been cases in India, for example, where someone said, “You know, if somebody is actually going to encourage violence, I think in general, you just – you just don’t want that content up. But our policies around incitement of violence, you know, have pretty – have some clear precedents right around if people have to be calling for violence or targeting specific individuals. There have been examples of government officials around the world, we’ve taken them down. There was a legislator in Hong Kong who called for the police to come in and clear out and kill the protesters to restore order in society. You know, that was – that’s obviously inciting and calling for violence. We took that down. And there have been cases in India, for example, where someone said, “Hey, if the police don’t take care of this, our supporters will get in there and clear the streets.” That is kind of encouraging supporters to go do that in a more direct way, and we took that down. So we have a precedent for that.”³¹⁰

2.8 Inaction, Impunity, and Escalation

As the riots spread and tension brewed in North-Eastern parts of Delhi, allegations of inaction and biases also raised critical questions on the role of police and state.³¹¹ *India Today* reported on 24th February, the decision of Kapil Mishra and his associates to translate the open threat into action – physically confront the anti-CAA protesters on the roads – was the provocation that triggered a series of violent incidents. As a result: “The tension in the Maujpur area in Delhi had escalated on Sunday [February 23] evening when a group of people pelted stones at another group that was holding a demonstration against the citizenship law.”³¹² *Hindustan Times* reported the same:

³⁰⁹ *Ibid.*

³¹⁰ Ghaffary, S. (03 June 2020). Read the transcript of Mark Zuckerberg’s tense meeting with Facebook employees. *Vox*. Retrieved from <https://www.vox.com/recode/2020/6/3/21279434/mark-zuckerberg-meeting-facebook-employees-transcript-trump-looting-shooting-post> [23 July 2020].

³¹¹ India Today Web Desk. (24 February 2020). Delhi violence: Clashes between pro and anti CAA protesters kill 5: As it happened. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-police-head-constable-dies-maujpur-violence-caa-jaffrabad-live-updates-1649511-2020-02-24> [12 July 2020]

³¹² *Ibid.*

“On the night of February 23, Maujpur saw clashes between pro-Citizenship Amendment Act (CAA) groups and those opposing it.”³¹³

In the evening of 23 February, *News18* reporter Saahil Murli Menghani tweeted a video from ground zero in which provocative slogans were raised in the presence of Delhi Police. He tweeted:

“Goli maaro _ ko” & “Hindustan mein rehna hoga toh jai shri ram kehna hoga” SLOGANS being raised in front of the cops here where stone pelting happened.”³¹⁴

While *Times of India* reported on 27 February that police ignored the warning of intel agencies as well:

“Delhi Police was sent at least six alerts on Sunday [23 Feb] warning of possible violence and asking for deployment to be stepped up after BJP functionary Kapil Mishra called for a gathering at northeast Delhi’s Maujpur.... Sources said the special branch and intelligence wing had sent multiple alerts through wireless radio messages to northeast district and the police brass. The first alert...was sent after Mishra posted a tweet at 1.22 pm asking people to assemble at Maujpur Chowk at 3 pm to support Citizenship Amendment Act (CAA).³¹⁵

Inaction compounded with unresponsiveness of Delhi police only intensified the tension in the area. As per the record, accessed by NDTV, “Over the four days of the violence, from February 23 to 26, the number of distress calls to the police control room rose sharply, from 700 on 23rd (Sunday), to 3,500 calls on the 24th, peaking at 7,500 calls on the 25th, before coming down to 1,500 calls on the 26th, matching the rise and dip in the intensity of the rioting on those days.”³¹⁶ However, the same report showed that NDTV reviewed two police stations Yamuna Vihar and Bhajanpura, where violence had broken out, showed that the column for the “action taken” in response to the distressed call remained pending or blank.³¹⁷

On 24 February the situation deteriorated quickly. Around 3:45 PM, Pushpender Mishra, a member of Hindu Yuva Vahini, said, “We got sticks from our homes. Locals have sourced them too. On Sunday, we didn’t have weapons to defend ourselves but now we are

³¹³ HT photographers. (04 March 2020). A week later, timeline of the Delhi riots by HT photographers. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/photos/delhi-news/photos-a-week-later-timeline-of-the-delhi-riots-by-ht-photographers/photo-wfnj6baiWEAN49DezDHI1L.html> [12 July 2020].

³¹⁴ Menghani. M. S. (23 February 2020). *Twitter*. <https://twitter.com/saahilmenghani/status/1231588967037816833> [12 July 2020].

³¹⁵ TNN | Updated: (27 February 2020) Delhi violence: Police sat on six intel warnings to step up security. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/police-sat-on-six-intel-warnings-to-step-up-security/articleshow/74326525.cms> [18 July 2020].

³¹⁶ Alavi, M. & Shukla. S. (28 February 2020). “No Action”, “Case Pending”: Delhi Police Call Logs Offer Clue To Why Violence Raged For 4 Days. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/no-action-case-pending-delhi-police-call-logs-offer-clue-why-violence-raged-for-4-days-2187419> [25 July 2020].

³¹⁷ *Ibid.*

prepared.”³¹⁸ When the masked mob were ravaging the city, apart from inaction, many eyewitness accounts confirmed that police were helping the mob, who supposedly were in favour of CAA, or sometimes acting with them. “At 5.10 pm, a mob of young men saw a garment shop and a pan shop across the street from the temple,” reported the *Indian Express*, “Over 20 police personnel watched as young men, some teenagers, broke down banners, shutters, and looted the pan shop.”³¹⁹

Bano, who attended Chand Bagh protest, wrote that the protest site was filled with police personnel around 11 AM on 24 February. Senior officers such as Anuj Kumar, the assistant commissioner of the Gokulpuri police station, and the station house officer of Dayalpur police station Tarkeshwar Singh, were present at the spot but did not stop the mob, rather gave them impunity to ravage the whole area. She added that civilians were present there as well, “who had clothes tied around their necks and were armed with lathis, sticks, swords, stones, guns and bombs.” According to Bano’s complaint, ACP Kumar was using abusive language, ‘Kapil Mishra and his associates will free you from your life’. At that time, she wrote, Tarkeshwar rushed to Kumar to hand him a phone and said that Mishra was on the line. “The ACP was saying ‘ji, ji’ while talking to Mishra and then as he was cutting the call he said, ‘Don’t worry, we will strew the streets with their dead bodies such that it will be remembered for generations.” Bano added that as soon as he cut the call, Kumar turned to Tarkeshwar and other police personnel and commanded, “Maaro saalo ko” – Beat the fuckers.³²⁰

Vijayata Lalwani of *Scroll.in* reported similar events happening in the Maujpur locality on 24th February. At Maujpur chowk a mattress shop was set on fire. A group of men stood there chanting “Jai Shri Ram” and “Bharat Mata ki Jai”. An eyewitness told Vijayata that police not only stood at the spot, but also offered no reaction.³²¹ She tweeted a video saying, “Things are extremely tense in Maujpur-Jafrabad. Here is a video I clicked at 3.14 pm at Maujpur Chowk where I saw pro CAA protestors set a shop on fire.”³²² Police were acting little slow or wherever they acted, acted little late. Even a BJP leader was quoted saying in *Outlook*, “Rioters were more than the police. If paramilitary forces were deployed on February 24, it would have made some difference.”³²³

³¹⁸ Lakhani, S. (25 February 2020). Day after BJP’s Kapil Mishra warning, how violence erupted across the divide. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-maujpur-babarpur-violence-kapil-mishra-warning-6284978/> [26 July 2020].

³¹⁹ *Ibid.*

³²⁰ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [26 July 2020].

³²¹ Lalwani, V. (03 March 2020). First person: I watched a mob set a shop on fire in Delhi, chanting ‘Jai Shri Ram’. *Scroll.in*. Retrieved from <https://scroll.in/article/954219/first-person-i-watched-a-mob-set-a-shop-on-fire-in-delhi-while-chanting-jai-shri-ram> [12 July 2020].

³²² *Ibid.*

³²³ Sharma, J. (26 February 2020). Delhi Riots 2020: Who Fanned The Flames of Hatred? Is Kapil Mishra Only >>

Reaffirming Bano's allegation, another complainant, who didn't wish to be identified, wrote that Dinesh Kumar Sharma, the ACP of Bhajanpura police station, was shouting at the mob, "*Satpal sansad ji ne jo kaha tha aaj woh kar ke dikhana hai*—The parliamentarian Satpal had said that today we have to show our strength through actions." She added that Sharma continued, "*Aage badho, daro mat, police tumhare saath hai, ek ek ko chunkar zindagi se azadi deni hai*"—Proceed forward, don't fear, the police is with you, pick them one by one and give them freedom from their lives.³²⁴

Under the watch of police personnel, mobs attacked mosques and mazaar, and they did not even bother to arrest them. Rioters were not intimidated by the police at all, moreover, when they saw police, they were chanting, "Delhi Police Zindabad." Many accounts noted that police were accused of chanting the slogan "Jai Shri Ram" along with the armed Hindu mob and charged the Muslim community.³²⁵ While in contrast, police were using tear gas shells to disperse the protestors, who were opposing the amendment in Citizenship Act.³²⁶ "When we came into the area commandeered by the Hindutva group, the most notable thing was the aura of festivity," The Wire report noted. "A large group of people was shouting slogans, including the now notorious 'goli maaro saalon ko', while groups of people distributed biscuits. A man was carrying around a large tray filled with plates of *upma*, which he was giving the policemen standing by, a significant number of whom were happily partaking of the food."³²⁷

Meanwhile, when the goons went berserk in Delhi, the Prime Minister was busy hosting the USA president Donald Trump. After at least 20 people were killed and more than 180 got injured, on 26th February, when violence was deescalating, the prime minister Narendra Modi appealed for peace. He tweeted, "Peace and harmony are central to our ethos. I appeal to my sisters and brothers of Delhi to maintain peace and brotherhood at all times. It is important that there is calm and normalcy is restored at the earliest." He added, "Had an extensive review on the situation prevailing in various parts of Delhi. Police and

To Blame?. *Outlook India Magazine*. from <https://www.outlookindia.com/magazine/story/india-news-delhi-riots-2020-who-fanned-the-flames-of-hatred-is-kapil-mishra-only-to-blame/302875> [12 July 2020].

³²⁴ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [26 July 2020].

³²⁵ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [12 July 2020]

³²⁶ Scroll Staff. (26 February 2020). Why was Delhi Police unprepared for violence even after BJP leader Kapil Mishra's threats? *Scroll.in*. Retrieved from <https://scroll.in/article/954241/why-was-delhi-police-unprepared-for-mondays-violence-even-after-bjp-leader-kapil-mishras-threats> [25 July 2020].

³²⁷ Barton, N. (25 February 2020). Delhi Violence: An Eyewitness Account From Jaffrabad. *The Wire*. Retrieved from <https://thewire.in/communalism/ground-report-war-zone-in-north-east-delhi> [29 July 2020].

other agencies are working on the ground to ensure peace and normalcy.”³²⁸

³²⁸ The Quint. (26 February 2020). Modi Breaks Silence on Delhi Violence, Appeals for Peace & Harmony. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/pm-modi-breaks-silence-on-northeast-delhi-violence> [23 July 2020].

3. THE DAYS OF VIOLENCE

In the violence that erupted on 23 February 2020, escalated on 24 and 25 February 2020, and was controlled by 26 Feb 2020 – 53 people died, 200+ were injured,³²⁹ and property worth crores (millions) were destroyed.³³⁰ According to the police report, the Police Control Room received 21000 distress calls between 22 February 2020 – 29 February 2020 out of which 13000 alone were on 24 and 25 February 2020.³³¹ Question arose whether the violence that have claimed and destroyed lives of thousands of families was pre – planned or reactionary. In a report by the Delhi Minorities Commission (DMC) Chairman, Dr Zafarul-Islam and Commission Member, Karta Singh Kochar, nearly 1500 – 2000 people had occupied two schools in the Shiv Vihar area in North-East Delhi.³³²

These two schools were Rajdhani Public School run by Faisal Farooq and DRP Convent School run by Pankaj Sharma. Based on their visit to violence affected areas, the DMC report stated that this was a planned attack with people brought in from outside.³³³ Further, based on complaints that police absence had led to the escalation of violence, the DMC Chief stated that “it has now been established that police presence was minimal during the first two days – February 24 and 25 – when most of the violence took place.”³³⁴ “It was only after two days that the police became active. The violence lessened on February 26 and ended the following day”, he added.³³⁵ However, the Home Minister lauded the Delhi Police in controlling the violence in 36 hours.³³⁶

³²⁹ Press Trust of India. (08 March 2020). It’s Official: Police Says 53 Dead, 200+ Injured, 2200 Arrests in Delhi Riots. *TheWire*. Retrieved from <https://thewire.in/government/delhi-riots-official-toll-hurt-cases> [14 July 2020].

³³⁰ Nigam, C. (01 March 2020). Long road to rebuilding: How riots ravaged northeast Delhi. *IndiaToday*. Retrieved from <https://www.indiatoday.in/mail-today/story/how-riots-ravaged-northeast-delhi-1651246-2020-03-01> [14 July 2020].

³³¹ Singh, K.P. (05 March 2020). At least 102 hit by bullets in north-east Delhi riots: Cops. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/102-people-shot-at-over-13-000-distress-calls-received-in-two-days-of-rioting-police-report/story-gr15Ifn9Sn4so5m7Po4ITM.html> [14 July 2020].

³³² IANS. (05 March 2020). Outsiders camped at Shiv Vihar schools: DMC. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/outside-camped-at-shiv-vihar-schools-dmc/1752301> [14 July 2020].

³³³ *Ibid.*

³³⁴ Bhatnagar, G. V. (04 March 2020). Nearly 2,000 People Were Brought in for Riots, Says Delhi Minorities Panel Chief. *TheWire*. Retrieved from <https://thewire.in/communalism/delhi-riots-outsiders-minorities-chief> [14 July 2020].

³³⁵ *Ibid.*

³³⁶ IANS. (11 March 2020). ‘60 social media accounts being probed in Delhi riots’: Amit Shah in Lok Sabha. *New Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/mar/11/60-social-media-accounts-being-probed-in-delhi-riots-amit-shah-in-lok-sabha-2115423.html> [14 July 2020].

The labyrinthine drains of North-East Delhi became the unfortunate graves for many victims of the riots.³³⁷ As many as 11 bodies were fished out from these drains.³³⁸ Several of these bodies were decomposed beyond recognition and police and hospital authorities have recommended DNA testing as the last resort.³³⁹ According to the police, the violence in North-East Delhi was a result of Muslim provocation and Hindu retaliation having been instigated by anti-CAA protestors, several of whose activists have been arrested under terrorism laws.³⁴⁰ However, out of the total fatalities, casualties, and property damage – Muslims comprise a significant proportion.^{341, 342}

3.1 Mobilising the Violence

The Delhi violence also saw social media being instrumentalized for on ground mobilization and perpetration of violence. 3 charge sheets filed under FIR numbers 102/20, 103/20 and 104/20 in 3 out of 9 murders in Bhagirathi Vihar, which falls under the Gokalpuri Police Station contains transcripts of a few conversations that happened in the Kattar Hindut Ekta WhatsApp group.³⁴³ According to the charge sheet, the police is considering them to be extra-judicial confessions. The charge sheet further mentions that the group was formed on ““12.49 hours 25 February” – the second day of the violence. It comprised of 125 members, 47 of whom quit by 8 March.”³⁴⁴ According to the Quint, while the timing of the WhatsApp group as mentioned in the charge sheet suggested reactionary action aimed at “tak(ing) revenge on Muslims”, the transcripts show pre-planning and intent where one participants from Ganga Vihar – a Lokesh Solanki – offers to bring his “whole Ganga Vihar team” who have “bullets, guns, everything”.³⁴⁵ He also confesses to killing 2 Muslims in Bhagirathi Vihar and throwing them in the drain.³⁴⁶

³³⁷ Dey, A. (03 March 2020). Bodies float in labyrinthine drains of northeast Delhi; 11 found. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/bodies-float-in-labyrinthine-drains-of-delhi-11-found/story-us9cDeZOfvQ8bpABTc4q6O.html> [14 July 2020].

³³⁸ *Ibid.*

³³⁹ *Ibid.*

³⁴⁰ Menon, A. (12 June 2020). Delhi Riots: New Charge Sheets Push ‘Hindu Retaliation’ Narrative. *Quint*. Retrieved from <https://www.thequint.com/news/breaking-news/delhi-communal-violence-charge-sheets-hindu-muslim-caa-police> [14 July 2020].

³⁴¹ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape> [14 July 2020].

³⁴² Biswas, S. (4 March 2020). Delhi riots: How Muslim homes were targeted and burnt. *BBC*. Retrieved from <https://www.bbc.com/news/world-asia-india-51719204> [14 July 2020].

³⁴³ Menon, A. (03 July 2020). ‘Killed 2 Muslims, Threw Them in Drain’: Riot-Accused on WhatsApp. *Quint*. Retrieved from <https://www.thequint.com/news/politics/northeast-delhi-riots-kattar-hindu-whatsapp-group-chargesheet-muslims> [14 July 2020].

³⁴⁴ *Ibid.*

³⁴⁵ *Ibid.*

³⁴⁶ *Ibid.*

The same group was used to coordinate and mobilise support in given locations[“*Bhaiyo bagriti vihar m aao jaldi, gali no. 3*” (Come quickly to Bhagirathi Vihar, lane No. 3)]; had admittance of burning down mosques [“*Inke Masjid me aag laga di hai*”(We burnt their mosques),” “*Haan bhai shi h rnki ma chodni h ab*” (Yes, brother, very good, now we have to rape their mothers.)”] and murders, reports of numbers of Muslims killed in a given location [“*Aur 9 mullo ko maar diya gya hai Brijpuri puliya pr*” (Nine more Muslims have been killed on the Brijpuri bridge)], and calls to further burn down mosques and rape Muslim women [“*Masjidon ki maachodo,*” (F**k Mosques), “*Jo bahar baithi thi...mullaniun he chodo* (The Mullanis [slur used for Muslim women] sitting outside the mosque...rape them).”].

The underlying idea was not to spare a single Muslim but to kill them all, as a message sent on 25 February 2020 at 09:08 pm read: “*Dekho bhaiyo jo hoga ab bo to hoga hi par kisi mulle ko chodna mat sale ko jane se marna* (Now whatever has to happen, will happen. But don’t leave any Mullahs – kill them)” by creating a deep seated fear among the Muslims to prevent their assertion: “*Banao saalon ke andar khauf* (Create a fear among Muslims)”. The WhatsApp group also sought support of members of the RSS (Rashtriya Swayamsevak Sangh) and VHP (Vishwa Hindu Parishad) referring its members to contact them for help with one message of 25 February 2020 at 08:00 pm reading: “Brothers, people from RSS have come here to support us in Brijpuri.”

3.1.1 WhatsApp Group Chronology – collated excerpts (time included where available)³⁴⁷

Name: First named KattarHindut Ekta changed to Hindu Ekta Zindabad; changed at least 4 times with names such Hindu Unity and Hindu Ekta Group³⁴⁸

Members: Started with 125 members, 47 had exited by 8 March 2020³⁴⁹

Purpose: Mobilise and coordinate attack on Muslims³⁵⁰

³⁴⁷ The chronology is collated and pieced together from multiple news reports. Among the news reports studied with respect to the Kattar Hindu WhatsApp group – there seems to be confusion about time when the group was formed. The police charge-sheet appears to say 25 February 2020 12:49 hours. However, Newslick and different Wire report reported it to be 12:49 pm (<https://www.newslick.in/Delhi-Violence-Kattar-Hindu-Ekta-WhatsApp-Group-Mobilised-Rioters-Killings>; <https://thewire.in/communalism/delhi-riots-chargesheet-kattar-hindut-ekta>) while Newslaundry reported it to be the intervening night between 24 and 25 February 2020 (<https://www.newslaundry.com/2020/07/04/delhi-riots-inside-the-kattar-hindu-whatsapp-group-that-planned-executed-murders>) [16 July 2020].

³⁴⁸ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. *Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape> [16 July 2020].

³⁴⁹ *Ibid.*

³⁵⁰ *Ibid.*

Invocation: *Jai Shree Ram* [70 times]; Kapil Mishra [more than 15 times]; Narendra Modi [nearly 20 times]; *Azadi* [more than 5 times]; Shaheen Bagh [more than 5 times]³⁵¹

- 25 February 2020

[12:49 hours] WhatsApp group formed

[09:05 am] “*Bhai tikone pe ajao,*” said one member at 9.05 am on February 25. When other members enquired about which junction he meant, another member responded at 9.11 am to say, “*Bhagrati vihar or joharipur ke bich me padta he jao bahot badi hindu ekta ho rhi he sare aa jao*”. The one between Bhagirathi Vihar and Joharipur, there are many Hindus uniting, everyone come.³⁵²

[11:44 am] “*Bhaiyo bagriti vihar m aao jaldi, gali no. 3* (Come quickly to Bhagirathi Vihar, lane No. 3).”

Replies were prompt. Some said they would be there within five minutes.³⁵³

[06:36 pm] In the evening, one member’s message indicated that coordination had picked up pace. “*Bhaiyo aaj pkka seen hoga,*” said one group member at 6.36 pm. Brothers, today there will surely be action.³⁵⁴

[06:59 pm] Another member messaged at 6.59 pm to say that electricity had been cut in Bhagirathi Vihar and asked other members to be “ready”.³⁵⁵

[07:08 pm] “*Andhera h bhai sb hindu bhai tayar h,*” said the member at 7.08 pm. It is dark, all Hindu brothers need to be ready. “*Flash jalakr,*” came the member’s next message. With your flashlight.³⁵⁶

[08:00 pm] “Brothers, people from RSS have come here to support us in Brijpuri.” Another message read: “*Aur 9 mullo ko maar diya gya hai Brijpuri puliya pr*” (Nine more Muslims have been killed on the Brijpuri bridge).³⁵⁷

³⁵¹ *Ibid.*

³⁵² Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁵³ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. *Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape> [16 July 2020].

³⁵⁴ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁵⁵ *Ibid.*

³⁵⁶ *Ibid.*

³⁵⁷ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of
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[08:14 pm] a message boasted about burning down a madrasa, an Islamic institution for Islamic studies.³⁵⁸

[09:08 pm] “*Are sab ki maa chodo (Rape their mothers),*” “*Dekha jaega (We will see),*” “*Dekho bhaiyo jo hoga ab bo to hoga hi par kisi mulle ko chodna mat sale ko jane se marna (Now whatever has to happen, will happen. But don’t leave any Mullahs – kill them).*”³⁵⁹

[09:13 pm] “I noticed that many intellectual people are writing to say Kapil Mishra is guilty. How is he guilty? All he said was that if the road blockade isn’t lifted, CAA supporters will also come out onto the streets. This is completely constitutional.”³⁶⁰

[09:15 pm] “Brothers, please don’t come out. The police is now here to f**k their a**s,”³⁶¹

Another user, however, disagreed that the Hindu mob required any assistance from the police. “We don’t need the police. There are enough Hindu brothers to f**k their mothers.”³⁶²

Later, a member asked “sare kattar hindu bhai” or “all extremist Hindu brothers” to make sure stones reached the terrace. (The exact location of this is unclear in the transcript.)³⁶³

Six minutes past midnight, a member messaged to ask others to gather at the drain next to lane number 11. It is unclear which neighbourhood the user is referring to.³⁶⁴

“*Ganga Vihar, Gokul Puri, Jhoripur, In sab jagha gumha Hu. Or 23 mullao k sir faade hai (I have been to Ganga Vihar, Gokul Puri, Jhoripur. And burst open 23 mullahs’ heads.)*”³⁶⁵

Muslims in Delhi Riots. *Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape> [16 July 2020].

³⁵⁸ *Ibid.*

³⁵⁹ *Ibid.*

³⁶⁰ *Ibid.*

³⁶¹ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁶² *Ibid.*

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*

³⁶⁵ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. *Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape> [16 July 2020].

The person who sent this message then requested the group members to cooperate with the boys [rioters] who were out on the streets.³⁶⁶

- 26 February 2020

[2:17 am] At 2.17 am on February 26, a user cautions other members to only chant “*Har Har Mahadev!*” in order to better identify Muslims. “*Jay shri Ram mulle bol rhe h*”. (The Muslims are chanting ‘Jai Shri Ram!’ he said, presumably pointing to Muslims shouting the Hindu religious slogan as a safety measure.)³⁶⁷

[09:45 am] In the morning on that day, a user asked all members to be ready to attack a mosque, Fatima Masjid: “*Bhai suno aaj sare Bhai taiyaar rho aaj shaam ko fatima masjid pr hamla krna hai,*” the user said at 9.45 am.³⁶⁸

[Afternoon] a member of the group, who was paranoid about Muslims attacking Hindu homes in Bhagirathi Vihar, suggested that in the event of any trouble, everyone should first call the police, and then inform their “brothers” in the group and those who are associated with the RSS and the Bajrang Dal.³⁶⁹

9:45 AM - Vinay alias Binni: *sare taiyaar rho* (Everyone be ready)

8:29 PM - Binni: *Bhai taiyaar rho kaam start hone vala hai* (Brother, be ready, the work is about to start)

8:29 PM - Binni: *taiyaar rho sare* (be ready, everyone)

8:30 PM - Binni: *puliya se pipeline ki trf aarge hai suer* (The pigs have come from the bridge towards the pipeline)

8:44 PM - +91 9*****7: *Aane du in mullo ka suar bna denge* (Let them come, we’ll make pigs out of these Muslims)

10:22 PM - +91 7*****4: *Bhaio ye danga q ho raha h nale par abhi jo hua tha Jhoripur nale par* (Why did the riot take place right now, the one near Johripur drain?)

10:24 PM - Vipin: *Dikkat lag rhi he 6 no me sab ready rhena* (There seems to be some trouble at 6 number, be ready)

³⁶⁶ *Ibid.*

³⁶⁷ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁶⁸ *Ibid.*

³⁶⁹ Tiwari, A. & Kumar, B. (4 July 2020). Delhi riots: Inside the ‘Kattar Hindu’ WhatsApp group that planned, executed murders. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/07/04/delhi-riots-inside-the-kattar-hindu-whatsapp-group-that-planned-executed-murders> [16 July 2020].

11:39 PM - Lokesh: *Bhai mai Ganga Vihar se Lokesh Solanki hu, agr kisi ko koi problem ho or wha log kam pde to bta dena mai apni puri Ganga Vihar ki team k saath aayunga sara saaman hai humare pass goli bandook sab kuch* (Brother, I'm Lokesh from Ganga Vihar. If there's any problem or if there's anything you need then let me know, I'll come with my entire Ganga Vihar team. We have all the stuff - bullets, guns, everything).

11:40 PM - Lokesh: *Bhai pura support hai abhi Hindu bhaiyo ko* (Brother, there is full support for Hindu brothers)

11:40 PM - Lokesh: *Bilkul bhai Ganga Vihar Gokulpuri Johripur sb sath hai tumhare* (Absolutely brother, Ganga Vihar, Gokulpuri, Johripur are all with you)

11:41 PM - +91 97*****6: *15 k dane h kya kisi bhai k pass* (Does any brother have bullets for .315 pistol?)

11:41 PM - +91 95*****6: Monty Nagar.vcf

11:41 PM - +91 95*****6: *Bahi ad kro bhai ktr hindu h yeh* (Add him, he is a Hindu fanatic)

11:41 PM - Lokesh: *Pistol hai*

11:42 PM - Lokesh: *Humare pass* (We have)

11:42 PM - +91 97*****6: *Faltu h kya* (Do you have some spare?)

11:42 PM - +91 97*****6: *Bhai goli h kya 315 ki* (Do you have bullets for .315 pistol?)

11:44 PM Lokesh: *Tumhare Bhai ne abhi 9 bje k krib b. vihar m 2 mulla mare hai. Or nale m feka hai* (Your brother has just killed 2 Muslims at around 9 PM in Bhagirathi Vihar and threw them in the drain)

11:44 PM - +91 9*****7: *Bilkul Lokesh bhai* (Absolutely Lokesh Bhai)

11:44 PM - Lokesh: *Apni team k sath* (With my team)

11:44 PM - +91 7*****4: *Haa bhai* (Yes brother)

11:45 PM - +91 9*****7: *Ha* (Yes)

11:45 PM - +91 7*****4: *Rajput bhai Bhagirath Vihar me bande bhej do* (Rajput Bhai, send men to Bhagirathi Vihar)

11:45 PM - Lokesh: *Bhai abhi thodi aarhe hai hum sab raily le kr* (We are coming there soon with a rally)

11:45 PM - Lokesh: *B.vihar m* (to Bhagirathi Vihar)

11:45 PM - +91 97*****6: *Koi dikkt na h Bhaiyo* (no problem, brothers)

11:49 PM - Lokesh: *Vinay tumhe pta hai na tumhara Bhai sb se aage rhta hai aise kamo m* (Vinay, you know that your brother is at the forefront in such matters)³⁷⁰

[Around 10:00 pm] a member of the WhatsApp group asked how he could get in touch with the Bajrang Dal, the youth wing of the Vishwa Hindu Parishad, an RSS affiliate. "Yes brother, if anyone has the number, please share it on the group so we can contact the Bajrang Dal," another member replied.³⁷¹

[10:46 pm] "*Kapil Mishra kiiss video ko sunein, samjhein, aur bahut mehnat kar ke poore Hindustan me bhejein kyunki ye bahut sahi hai hundred percent deshhith me hai, itna toh kar hi sakte hain mere dost*" (Listen to Kapil Mishra on this video, understand it and make the effort to send it across India because it is in favour of the nation. Friends, you can do this much at least).³⁷²

[10:47 pm] "*Bhagirathi Vihar gali no. 4 me bhi mullon ki ghusne ki khabar aa rahi hai kripya sabhi Hindu bhaiyon se anurodh hai ki bilkul tayyar rahein aur apni safety ka poora intazam rakhein aur inn mullon ki gaand phaad dengey*" (We heard that mullahs are now entering lane number four, Bhagirathi Vihar. I request all Hindu brothers to be prepared, take full precautions and tear them apart).³⁷³

On February 26, one user in the KattarHindut Ekta group sends out an emergency messages fearing an attack from a Muslim mob. "Bothers the situation is grim here," one user WhatsApps in fear (messages later point out the Muslim mob was simply a rumour). "Please, if anyone knows any Bajrang Dal person, call him."³⁷⁴

- 27 February 2020

[01:50 am] "*Bhai sonu mulla nm h jise pkda h* (The Muslim we caught is named Sonu)."

The replies to this message read, "*Ye saale naam bhi Hindu hi rakhte hain,*" and "*First identify karlo.*" ("These bastards use Hindu names, first identify them.")³⁷⁵

³⁷⁰ Menon, A. (03 July 2020). 'Killed 2 Muslims, Threw Them in Drain': Riot-Accused on WhatsApp. *Quint*. Retrieved from <https://www.thequint.com/news/politics/northeast-delhi-riots-kattar-hindu-whatsapp-group-chargesheet-muslims> [16 July 2020].

³⁷¹ Tiwari, A. & Kumar, B. (4 July 2020). Delhi riots: Inside the 'Kattar Hindu' WhatsApp group that planned, executed murders. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/07/04/delhi-riots-inside-the-kattar-hindu-whatsapp-group-that-planned-executed-murders> [16 July 2020].

³⁷² *Ibid.*

³⁷³ Ara, I. (06 July 2020). 'Tear Them Apart': How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. *Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape>[16 July 2020].

³⁷⁴ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁷⁵ Ara, I. (06 July 2020). 'Tear Them Apart': How Hindutva WhatsApp Group Demanded Murder, Rape of

[04:05 am] “*Or agr kuch hota h to Jai shree ram ka Nara lagai* (If something happens, chant Jai Shree Ram)” and “*Shak ho to check kre sb*” (If you have doubts [about the religious identity of the people you catch] – check them).³⁷⁶

[10:30 pm] “There is a video of a boy burning the Bhajanpura mazar, please delete it from your phones and spread this message on all the groups so that boy’s life is saved.”³⁷⁷

[10:38 pm] “Right now policemen came to my lane and asked us not to keep any such video on our phones,” said the user on February 27 at 10.38 pm³⁷⁸

- 28 February 2020

[03:28 pm] “*Aaj hmne Bhagirathi Vihar Gali No. 1 me Namaz nhi padne Di Bhaga Diya Mullo ki* (Today, we didn’t let Mullahs offer namaz in Bhagirathi Vihar’s Lane no. 1).”³⁷⁹

- 3 March 2020

On March 3, one user on the “Hindu Ekta Group” referred to the security forces as “fojji bhai”. Our brothers in the force. “We must take care of their meals. Since they are only eating at the houses of the Hindus.”³⁸⁰

“Hindus, support and join the RSS, VHP, Bajrang, Hindu Sena. When Hindus are in trouble, these will be the first people to fight for you.”³⁸¹

- Undated

“Jaisey hi Kapil Mishra ne kaha ki har jagah Shaheen Bagh nahin banne dengey aur teen din me sadak khaali karo kyun ki mujhey apney desh sey pyaar hai turant aisa danga bhadka ki sab baisey pagla gaye ki Kapil Mishra ko turant danga bhadkaane waale kehne lage. Sabne aapa kho diya...” (As soon as Kapil Mishra said I will not let

Muslims in Delhi Riots. Wire. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape>[16 July 2020].

³⁷⁶ *Ibid.*

³⁷⁷ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁷⁸ *Ibid.*

³⁷⁹ Ara, I. (06 July 2020). ‘Tear Them Apart’: How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. Wire. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape>[16 July 2020].

³⁸⁰ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020].

³⁸¹ *Ibid.*

another Shaheen Bagh be created everywhere, vacate the roads because I love my country ... immediately, riots started and everybody started calling him an inciter of riots. Everybody lost their minds)."³⁸²

[Forwarded Message] "Wo apney chetra me ladies tailor ki dukaan kholengey ya chudi bechengey, aisey kaam karengey jissey mahilaaon sey unka sampark badh sake aur love jihad ko badhaya jaa sake," one of the points read. ("They will open up tailor shops in our areas or sell bangles, they will do such jobs that will ensure that they talk more to our [Hindu] women and love jihad [Based on the assumption that Muslim men seek to marry Hindu women with the intent to convert them to Islam] can be increased.")³⁸³

"*Masjidon ki maa chodo,*" (F**k Mosques), "*Jo bahar baithi thi...mullani unhe chodo* (The Mullanis [slur used for Muslim women] sitting outside the mosque...rape them)."³⁸⁴

Members who left the group were often called "impotent" and "cowardly."³⁸⁵

[Forwarded Message] "*A Mathematical Sum* If you know Math, then tell me! Between 1947-2017, if the population of Muslims who stayed behind in India [instead of going to Pakistan after independence] has become ten times more, what will be their population during our sons' lifespan in the next 70 years?" The answer lies in the same WhatsApp message: "Ten times, again, meaning 300 crores..."

The message continued: "And think what will happen then. What will happen to our savings, our occupations, our work, our temples, our daughter who goes to school, our constitution, our caste pride, our reservation, our leaders and the people of our caste? Is that when our selfish minds will be able to come up with a solution?"

It added: "Then what happened with Kashmiri pandits will be repeated. They still had India to take refuge in. What will you [Hindus] have?"

Some messages on the group demanded a ban on loudspeakers for azaan (call for prayer), while some talked about creating a deep-seated fear among Muslims. One such message reads: "*Banao saalon ke andar khauf* (Create a fear among Muslims)."

Other messages suggest that this was not the only group of its kind on WhatsApp at the time of the riots. For instance, a set of messages on the group talk about a man who was videoed while setting a mausoleum on fire. When this video began to spread on social media, the group administrators told the members of the group to delete that video so the

³⁸² Ara, I. (06 July 2020). 'Tear Them Apart': How Hindutva WhatsApp Group Demanded Murder, Rape of Muslims in Delhi Riots. Wire. Retrieved from <https://thewire.in/communalism/delhi-riots-hindutva-whatsapp-muslims-murder-rape>[16 July 2020].

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

man could not be identified.

Many forwards in the group repeatedly talked about a hypothetical Muslim domination in the future, where Hindu rights would be threatened. A forwarded message of this nature read: “In the times of need, we can learn from our enemies, too.”

It continued: “Look at the reasons: They [Muslims] called their relatives from other states, funds were collected, conspiracy was hatched, some leaders were selected, stones were collected, petrol bombs were made, acid was stored in packets, big slings were prepared, same colour helmets were bought in lakhs so they could identify their own people, they wrote ‘No NRC’ on their shops to save them from arson, Hindu areas were marked, Hindu houses and shops were marked, strategy was made for attack, and where to run from after the attack, no videos were made, victim card was used on social media, then they started talking about brotherhood, then wished for peace and sobbed in front of the media.”

There have been no credible reports of any of these things happening, yet the charge became a handy tool to present the group’s own violent mobilisation as a ‘response’.

The same message went on: “Now look within yourself – what did we [Hindus] do? Kapil Mishra is being used as a scapegoat [to implicate Hindus]. #I-STAND-WITH-KAPIL-MISHRA.”³⁸⁶

3.2 Local Vigilantism and Complicity

Ground reports suggest that while perpetrators might have come from outside, the carnage and violence unfolded as a result of local vigilantism and complicity. As the *NewsClick* report suggests after speaking to perpetrators of the violence – tension had been simmering for quite a while following the blockage of the Jaffrabad – Seelampur main road which is a lifeline for those living in surrounding areas like Kardampuri, Noor-e-Ilahi, Maujpur etc.³⁸⁷ The inciteful and provocative speeches made on 23 February 2020 acted as a spark in the powder keg. One of the perpetrators from Chand Bagh seemed grateful to Kapil Mishra for igniting their Hindu consciousness while another felt emboldened by his ultimatum to the police to remove the protestors.³⁸⁸ The former claimed to have burnt down several shops and a mosque (the Chand Masjid in Ashok Nagar and the Sayad Chand Baba Dargah in Chand Bagh were two of the 14 mosques and a dargah burnt during the Delhi riots).³⁸⁹

However, once the local groups failed emboldened they started mobilising people

³⁸⁶ *Ibid.*

³⁸⁷ Anwar, T., Jha, M., & Singh, A. (2020). Delhi riots: Not spontaneous, but crudely designed? *NewsClick*. Retrieved from <https://www.newsclick.in/Delhi-Riots-Spontaneous-Crudely-Designed> [14 July 2020].

³⁸⁸ *Ibid.*

³⁸⁹ *Ibid.*

themselves and persuading people to hit the streets to end the Muslim's reign of terror, reported one of the perpetrators.³⁹⁰ He further added, that once the clashes had started they got help from several Hindu groups who came to their colonies, held meetings, and devised strategies.³⁹¹ Their members stationed them at locations where they could inflict the maximum physical, emotional, and mental damage.³⁹² They were helped by local criminal gangs who had to settle scores with rival Muslim criminal gangs.³⁹³ Some Gujjars living in and around the city played a significant role in mobilising firearms.³⁹⁴ The standard modus operandi included catching people and ascertaining their religion through visible religious markers or by asking name, address, and identity card. Those with a Muslim name on their identity card or who refused to chant *Jai Shri Ram* were attacked.³⁹⁵

Apart from the mobilising people, the violence seemed to have also been aided by complicity of the locals. Residents of Khajoori Khas, one of the areas worst affected by the riots on 24 – 25 February 2020, reported how their neighbours and police turned against them where Muslim shops and homes were selectively burnt.³⁹⁶ Whether the locals aided and abetted or themselves indulged in violence there was a clear underlying objective of putting Muslims in their place in response to incidents of persecution and intimidation they have suffered themselves. In Gokalpuri and parts of Ganga Vihar locals felt the Muslims had wrongfully occupied their lands and had to be thrown out.³⁹⁷

They believed that the Bhartiya Janata Party and the Delhi Police were the only two organisations that had “protected Hindus” during the riots.³⁹⁸ They also believed the arson – torching of the mosque, shops, and houses in Gokalpuri was Hindu reaction to Muslim violence during the days of the riot.³⁹⁹ According to the staff reporter their incidents of rationalization for violence against Muslims could not independently verified.⁴⁰⁰ Ground reports have suggested that the selective gutting of Muslim establishments was evident

³⁹⁰ *Ibid.*

³⁹¹ *Ibid.*

³⁹² *Ibid.*

³⁹³ *Ibid.*

³⁹⁴ *Ibid.*

³⁹⁵ HT Correspondent. (04 July 2020). Delhi riots charge sheet: Hindus incited on WhatsApp group to attack Muslims. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/delhi-riots-charge-sheet-hindus-incited-on-whatsapp-group-to-attack-muslims/story-O5FgWKrf2xAM8kIOxDqJVO.html> [14 July 2020].

³⁹⁶ Ahmad, S. & Sagar. (05 March 2020). [Video] Carnage in Khajoori Khas. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/carnage-in-khajoori-khas> [14 July 2020].

³⁹⁷ Sagar. (28 February 2020). Driven by Islamophobia, Gokalpuri's Hindus justify targeted arson of mosque, Muslim homes. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/driven-islamophobia-gokalpuri-hindus-justify-targeted-arson-local-mosque-muslim-homes> [14 July 2020].

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*

⁴⁰⁰ *Ibid.*

and visible.^{401;402}

3.3 Fact – Finding Reports⁴⁰³

Two reports had emerged which concluded that the Delhi Riots were a product of planned and systemic radicalization of minorities by an Urban-Naxal network operating in the universities of Delhi and pre-planned event that had evidences of Urban Naxal – Jihadi styles revolution. These two reports were (1) *Delhi Riots 2020: Reports from Ground Zero – The Shaheen Bagh Model in North-East Delhi: From Dharna to Danga*⁴⁰⁴ by a Group of Intellectuals and Academicians comprising Supreme Court Advocate Monika Arora et al. which was presented to the Union Minister of State for Home Affairs G. Kishen Reddy⁴⁰⁵ and (2) *Delhi Riots: Conspiracy Unravelling – Report of Fact-Finding Committee on Riots on North-East Delhi during 23.02.2020 to 26.02.2020*,⁴⁰⁶ prepared on behalf of a group ‘Call for Justice’ by Justice Ambadas Joshi, a retired judge of the Bombay High Court.⁴⁰⁷

The first report quotes passages from Saul Alinsky and CPI (Maoist) manifesto and observations from their visits to arrive at explanation of the Urban Naxal – Jihadi network. Saul Alinsky and CPI (Maoist) manifesto is interpretively applied to student protests in Indian universities like Film and Television Institute of India, Hyderabad Central University, Indian Institute of Technology (Chennai), Jawaharlal Nehru University, Osmania University, Jadavpur University, and Delhi University.

It further attributed the presence of locally made weapons to the onset of Guerilla Warfare

⁴⁰¹ Parijat. (27 February 2020). A mosque on fire, shops looted, people celebrating: My five hours in northeast Delhi. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/delhi-violence-gokalpuri-mosque-fire> [14 July 2020].

⁴⁰² Shroff, K. (11 March 2020). Men in uniform torched Mustafabad’s Farooqia Masjid, assaulted people inside: Locals. Retrieved from <https://caravanmagazine.in/conflict/men-in-uniform-torched-mustafabads-farooqia-masjid-assaulted-people-inside-locals> [14 July 2020].

⁴⁰³ Other fact-findings reports released at the time of writing this report include: Karwan e Mohabbat. (July 2020). *Chronicling truth, countering hate: Violence and state action in North-East Delhi*; Delhi Minority Commission. (July 2020). See Page Number 114. <https://ia801501.us.archive.org/28/items/dmc-delhi-riot-fact-report-2020/-Delhi-riots-Fact-Finding-2020.pdf> [28 July 2020].

⁴⁰⁴ Group of Intellectuals and Academicians. (2020). *The Shaheen Bagh model in North-East Delhi: From Dharna to Danga*. Retrieved from <https://www.theindiapost.com/wp-content/uploads/2020/03/Final-Report.pdf> [14 July 2020].

⁴⁰⁵ Jayprakash, N.D. (06 July 2020). Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-2020-a-critique-of-two-purported-fact-finding-reports> [14 July 2020].

⁴⁰⁶ Wajihulla, M. (29 May 2020). Delhi Riots: Fact-finding report names ISI, ‘tukdetukde gang’, JCC. *TimesNow*. Retrieved from <https://www.timesnownews.com/delhi/article/delhi-riots-fact-finding-report-names-isi-tukde-tukde-gang-jcc/598937> [14 July 2020].

⁴⁰⁷ Jayprakash, N.D. (06 July 2020). Delhi Riots 2020: A Critique of Two Purported Fact-Finding Reports. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-riots-2020-a-critique-of-two-purported-fact-finding-reports> [14 July 2020].

described by CPI (Maoist). This seems counterintuitive to the observation a couple of pages later which calls North-East Delhi a crime prone area. In drawing out the Jihadi angle, it states the presence of Popular Front of India (PFI) on the protests sites and relies on observations on the ground: according to which the highest Muslim casualties are in Muslim dominated areas and highest Hindu casualties in Hindu dominated areas.

These claims required deeper spatial analysis given ghettoisation where communities were separated by lanes or drains in a given location. Other observations that are possibly included to indicate the Jihadi angle are the presence of Salafi madrasas and Sharia courts, illegal animal slaughter, presence of kabad (waste) markets, being a crime prone area, and influx of outsiders. One of the major findings of the report were the origin of the protest sites or the Shaheen Bagh model which had anti-CAA/NRC/NPR and of “anti-Amit Shah, anti-Modi, anti-Fascist rhetoric” which it determines to be the foundational causes of the North-East Delhi violence.

The latter which categorized the violence as Anti-Hindu Riots was classified by fact-checking website *AltNews* as having a ‘torrent of misinformation’ for biased inclusion of evidence, omission of events, and including misinformation that had already been fact-checked.⁴⁰⁸ Both reports use colloquialisms, like Urban-Naxal and *tukde-tukde* gang, used in political speech by the ruling party which suggests a particular political posturing. Further the second fact-finding report supports its validations by citing the news outlet *OpIndia* at least 10 times.⁴⁰⁹ *AltNews* reports it has encountered multiple instances of misinformation spread by *OpIndia* since 2017.⁴¹⁰ In March 2019, it was reported that *OpIndia*’s application to the International Fact-Checking Network was rejected due to bias in their reporting.⁴¹¹

An Account of Fear and Impunity: Preliminary Fact – Finding Report on Communally Targeted Violence in North – East Delhi by Youth for Human Rights Documentation: The fact – finding commenced on 26 February 2020 where members of the groups visited the riots affected areas as well as the Guru Teg Bahadur (GTB) Hospital where many of the injured were taken. The report used primary and secondary data to provide a holistic picture of the riots pre- and post-violence. The report find the violence to be organized, targeted, and identity-based. It underscores the lack of accountability, impunity of the perpetrators, and partisan role of the police. It highlights the gendered role of the violence, arbitrary arrests and detentions, complicity of the criminal justice system, government inaction in relief and rescue work, neglect and delay in emergency treatment, and displacement and further

⁴⁰⁸ Mehta, A. (13 June 2020). Delhi riots ‘fact-finding’ report accepted by Amit Shah replete with false, unsubstantiated claims. *AltNews*. Retrieved from <https://www.altnews.in/delhi-riots-fact-finding-report-accepted-by-amit-shah-replete-with-false-unsubstantiated-claims/> [14 July 2020].

⁴⁰⁹ *Ibid.*

⁴¹⁰ *Ibid.*

⁴¹¹ Ananth, V. (07 May 2019). Can fact-checking emerge as big and viable business? *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/tech/internet/can-fact-checking-emerge-as-big-and-viable-business/articleshow/69210719.cms> [14 July 2020].

ghettoization of Muslims.⁴¹²

An Inquiry in to the Anti-Muslim Violence in Northeast Delhi by a Team of Doctors that Visited the Affected Area by the Progressive Medicos and Scientists Forum: this report attempts to provide a snapshot of the violence that unfolded as reported by a team of doctors that tried to reach the violence affected area to provide medical services and supplies. The medical team tried to reach the violence affected areas on 24 February but were stopped by the police. On 25 February when they retried to enter, they were stopped by 50-60 people raising 'Jai Shri Ram' slogans. The full medical team was only allowed to enter the area on 26 February 2020. Through their observations, interviews, and visits, the team noted that a high number of casualties were due to gun shot wounds for which bullets and ammunition would have had to be available in large numbers. Like the above report, it also noted the partisan role of the law enforcement and administrative agencies and lack of access to emergency care in the national capital.

Age Group distribution of persons who died of violence as on 2 March 2020:

Age Group	15-20 years	21-40 years	41-50 years	>50 years
No. of Deaths	6	31	6	5

Distribution of brought dead cases by cause of death at GTB Hospital:

Cause of death	Gunshot	Stab	Assault, burn, or Both	Gunshot and Stab Injury
No. of Deaths	9	3	9	1

Admissions and deaths of violence victims in the neurosurgery department (GTB Hospital):

Victims of violence admitted in department of neurosurgery till 27 Feb.	Deaths reported among the victims of violence admitted in neurosurgery	Case fatality rate
10	7	70%

⁴¹² Youth for Human Rights Documentation. (February 2020). *An Account of Fear and Impunity: Preliminary Fact – Finding Report on Communally Targeted Violence in North – East Delhi*. Retrieved from <https://www.hrfn.org/wp-content/uploads/2020/03/An-Account-of-Fear-Impunity.pdf> [14 July 2020].

The Role of Health Systems in Responding to Communal Violence in Delhi by Jan Swasthya Abhiyan: This report highlighted the issue faced by injured persons in accessing healthcare. There were instances of injured persons being harassed by police officers and with discriminatory and disrespectful treatment at the GTB hospital and LNJP (Lok Nayak Jayprakash) Hospital. This created insecurities in accessing state institution and health services. There was delay in providing medico-legal case (MLC) number which led to delays in treatment. Documentation was extremely sparse for people with casualty case papers – details such where the violence took places, what were the weapons, and who the assailants were not properly recorded. Sometime even injuries were not properly recorded and gross injuries were overlooked. Sometime injured individuals were sent home unaccompanied without contacting their families while families struggled to get information on their injured members.⁴¹³

3.4 Gender – Based Violence

Like any violent conflict – gender – based violence played a significant role yet under-reported role in the Delhi riots.⁴¹⁴ A woman reported that a group of men shouting *Jai Shri Ram* came to the protest site in Chand Bagh where she was present and four of them pulled down their pants, exposed their genitals, and said, *yeh lo azadi* (here, take your freedom). Azadi or freedom has been a protest refrain that have been used in students protests since some years.⁴¹⁵ While the protestors have reiterated that it means freedom from oppression, the ruling powers have construed it to be freedom from the Indian state and have censored it likewise under sedition laws.⁴¹⁶

On 28 February 2020, the Delhi Commission for Women (DCW) announced an enquiry into sexual crimes against women which might have taken places during the violence on the preceding days.⁴¹⁷ This came after DCW Chief, Swati Maliwal visited the riot affected areas with other members of the Commission and interacted with hundreds of women

⁴¹³ Jan Swasthya Abhiyan. (2020). *The Role of Health Systems in Responding to Communal Violence in Delhi*. Retrieved from http://phmindia.org/wp-content/uploads/2020/03/Final-Report-on-Delhi-violence_JSA.pdf [15 July 2020].

⁴¹⁴ Youth for Human Rights Documentation. (February 2020). *An Account of Fear and Impunity: Preliminary Fact – Finding Report on Communally Targeted Violence in North – East Delhi*. Retrieved from <https://www.hrfn.org/wp-content/uploads/2020/03/An-Account-of-Fear-Impunity.pdf> [14 July 2020].

⁴¹⁵ Barton, N. & Srivastava, S. (03 March 2020). 'They Took Down Their Pants, Pointed Their Genitals at Us, and Said, 'Yeh Lo Azaadi''. *The Wire*. Retrieved from <https://thewire.in/women/delhi-riots-women-sexual-harassment> [14 July 2020].

⁴¹⁶ *Ibid*.

⁴¹⁷ Singh, R. K. (28 February 2020). Delhi violence: DCW seeks police report on sexual crimes reported during riots. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-dcw-seeks-police-report-on-sexual-crimes-reported-during-riots-1650971-2020-02-28> [14 July 2020].

including one who was assaulted despite being 9 months pregnant.⁴¹⁸ The woman's house was set on fire and she later gave birth to a baby boy at Al-Hind hospital.⁴¹⁹

Maliwal said, "The cases that the commission has learnt so far through its 181 helpline and on-ground visits are completely horrific. We have sought details of all crimes against women including murder and sexual violence (if any) that have occurred in the recent riots from Delhi Police. We intend to monitor these cases and provide support to the victims."⁴²⁰

Muslim families of Shiv Vihar Madina Gali had started feeling their homes from the evening of 23 February 2020.⁴²¹ Women who had fled Shiv Puri reported that there were various cases of molestation while the women were fleeing.⁴²² "But if we had not fled the area, we would surely have been raped or killed. The men banging on doors were not just aggressive but also drunk," Shabana, a Shiv vihar escapee, said.⁴²³ Many women reported of being sexually assaulted with attackers pulling their scarves and tearing their clothes. Weeping, a mother of one narrated how her clothes were torn to shreds by men who entered their house.⁴²⁴

Rubina Bano, was 3 months pregnant, when she was beaten mercilessly by an angry mob and policemen.⁴²⁵ When Bano pleaded with the mob to let her go on account of her pregnancy - they seemed only more delighted in mauling her.⁴²⁶ "'Ye lo azadi [take your freedom]," she says the police personnel kept saying while raining blow on" her.⁴²⁷ Bano had only ventured out of her house to collect her daughter from school who was writing her CBSE examination.⁴²⁸

Fatima, 45, has lived in Shiv Vihar for over 15 years. When she along with many other Muslim families escaped the riot-stricken street on Monday, she and her family left behind all their belongings, including their goats.

⁴¹⁸ *Ibid.*

⁴¹⁹ *Ibid.*

⁴²⁰ *Ibid.*

⁴²¹ Bose, R. (01 March 2020). Beaten, Molested and Homeless: How Women Became Worst Victims of Delhi Riots. *News18*. Retrieved from <https://www.news18.com/news/india/beaten-molested-and-homeless-hindu-or-muslim-women-became-the-undocumented-victims-of-delhi-riots-2520457.html> [14 July 2020].

⁴²² *Ibid.*

⁴²³ *Ibid.*

⁴²⁴ BBC. (29 February 2020). Delhi riots: Muslim women recall horror of Molotov cocktails and arson. Retrieved from <https://www.bbc.com/news/world-asia-india-51670096> [15 July 2020].

⁴²⁵ Meherban, M. (26 February 2020). Delhi violence: Pregnant woman out to pick daughter from school in Chand Bagh narrates ordeal, says cops, mob beat her unconscious. *FirstPost*. Retrieved from <https://www.firstpost.com/india/in-delhis-chandbagh-pregnant-woman-narrates-ordeal-says-cops-beat-me-unconscious-was-out-to-pick-up-daughter-from-school-8084901.html> [14 July 2020].

⁴²⁶ *Ibid.*

⁴²⁷ *Ibid.*

⁴²⁸ *Ibid.*

Worried that the goats would die at a time when her family's livelihood depended on them, Fatima braved it on Wednesday to go back but before she could find the goats, some men found her.

"They pulled my dupatta and tore my salwar's sleeve. I was saved by a family that was still living in the area," Fatima said. "The family said I was with them, the men abused them but left me alone," Fatima said, adding that the family hid her for some time till everything was clear. "If it weren't for them, I don't know if I would be here".

Shaheeda Bano has a similar story to tell. The 65-year-old was fleeing to Mustafabad on Tuesday evening when she was attacked by goons. "We did not leave like the others on Sunday or even Monday. But on Tuesday when fresh arson started and a mosque was burnt, we had to escape," she recalled.

"Two goons with covered faces blocked our road. One of them snatched my bag while the other beat me on my left knee with a stick". The men allegedly ran away after that, leaving the old woman wounded on the road.⁴²⁹

A woman journalist was restrained by 10 men while reporting on the ground while her cameraman was severely assaulted with lathis.⁴³⁰

3.4.1 Testimonies from Women

- **Shabnam**, 30, Bhagirathi Vihar, Gokalpuri

The single mother relived her harrowing experience from the night of February 24, when she realised she had no option but to leave her home. "I want to tell you something, on the 24th night, around 11:30 pm, I was hiding on the 4th floor and watched as a group of about 50 boys assaulted two Muslim boys on the road outside. The mob of boys was from my own locality," she says.

Shabnam enacts what one of the boys had to endure, "His hands were tied behind his back, he was made to kneel, while the mob standing in line asked him to say 'Jai Shree Ram'. He did so. But still he was hit brutally on his head with rods. Even now when I think about it, I start getting a headache and feel dizzy, I have never seen such brutality in my life." A distressed Shabnam starts crying, and says, "I don't know what happened to him, if he was killed or not...I got so scared I went and hid with my children."

⁴²⁹ Bose, R. (01 March 2020). Beaten, Molested and Homeless: How Women Became Worst Victims of Delhi Riots. News18. Retrieved from <https://www.news18.com/news/india/beaten-molested-and-homeless-hindu-or-muslim-women-became-the-undocumented-victims-of-delhi-riots-2520457.html> [14 July 2020].

⁴³⁰ Goecker, L. (27 February 2020). The Women Caught Up in the Delhi Violence. *The Swaddle*. Retrieved from <https://theswaddle.com/delhi-violence-nrc-cao-riots-women/> [14 July 2020].

Throughout the night, she says, she could hear chants of 'Jai Shri Ram'. "And they kept saying things like 'Desh sey nikalo salo ko, gaddaro ko' (Throw out the traitors from the country) something like that. They kept calling us 'katwe' (meaning a man who is circumcised), and I could hear 'bachao bachao' (help) but I didn't look or step out", Shabnam tells us.

The family kept their lights off, and made it through the night. When morning came, she decided to make a break for it, but as she stepped out, a group of six to seven men saw her and her children. "We ran like dogs...I asked my children to run...but they caught hold of me and started beating me with sticks, and punching me with their fists." Shabnam also says the men molested her. "They did whatever they could, hit me with what they had, and touched me in my private parts. They did everything...the only thing they didn't do was rape me."

She took her children and ran to Anand Vihar railway station where she stayed until Wednesday, when paramilitary forces were deployed. "For three days after running away, I was in shock, I couldn't think straight, I couldn't understand where I was, what had happened. My elder son is so scared that he does not want to step out any more. They had hit him as well."

On Wednesday, she attempted to go home to fetch a few things. "I escaped from the jaws of death," she says, pointing to her neighbours who did not welcome her but instead called out to others saying, "The Muslim woman is back, beat her."

She ran and, on the way, saw a PCR van which she flagged down. "I told them everything but they refused to come with me."

"I will never go back alone. I don't care if my things are all gone. I am a single mother, the future of my children is on me, if something happens to me, my children have no one," Shabnam says, sharing with us that she works as a clerk in Karkardooma court, earning just Rs 6,000 a month. (as told to Sashikala VP and Proma Chakraborty)⁴³¹

- **Baby**, single mother of three, Shiv Vihar

A single mother of three, Baby, had gone to take her eldest daughter from school when tension broke out near her home in Shiv Vihar on February 24. Leaving all her things behind, she ran from there with her children, with the mob chasing after her threatening, "Hum Shri Ram ke bache paida karwainge tumse pakar pakar ke." We will catch you and make you give birth to Shri Ram's progeny.

⁴³¹ Sashikala, V.P. & Charaborty, P. (07 March 2020). Molested, beaten, and in shock: Women and children recount surviving the Delhi carnage. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/03/07/molested-beaten-and-in-shock-women-and-children-recount-surviving-the-delhi-carnage> [14 July 2020].

Baby, one of the many women who was taken in by good Samaritans in Chaman Park, had gone back to her house on February 25 to take some of her belongings. Soon a crowd gathered near her and said, "Give us your daughters and we will spare you." Baby says she left all her belongings and somehow fled from there, "There are many others who have been molested but they are not admitting it out of shame," says Baby. (as told to Sashikala VP and Proma Chakraborty)⁴³²

- **Chandni**, 18, Govind Vihar near Shiv Vihar

Like any other day, she [Chandni] was returning home from the export house where she works as a packer on February 24. But unlike other days, she witnessed the simmering tension at Yamuna Vihar. She rushed back home, only to find that her neighbourhood in Govind Vihar near Shiv Vihar had also been taken over by a mob.

Just as Shabnam claims to have been abused by people she knew as neighbours, Chandni was shocked to find hers hurling abuses at her. "The Hindu women in my locality started pelting stones at me. I hid at a friend's place for a while. The men in my locality were drunk and started saying that I have no right to live in a Hindu area as I am a Muslim. Soon after, they threatened to rape me, and started abusing my mother and sisters."

She managed to return home, where the rest of her family had locked themselves in. They spent the entire night in silence, without food and water, waiting for an opportunity to run. At four in the morning the next day, that chance arrived - Chandni escaped with her mother and younger sister.

But her ordeal didn't end there. On February 28, when the situation had been contained, and Chandni believed it was safe enough to return home and collect her belongings, one of the women in her locality grabbed her by her hair and started hitting her. She somehow managed to escape and came to the Al Hind Hospital, where she took refuge before shifting to the Eidgah, where a relief camp has been set up.

"From childhood, I have spent my entire life in a Hindu area. This is the first time something like this is happening. We will not return to our home as they will not let us live there. We can't even go to work now. Life is at a standstill." (as told to Sashikala VP and Proma Chakraborty)⁴³³

- **Parveena**, 9 months pregnant, Karawal Nagar

Even more chilling is the story of Parveena. Nine months pregnant, she had been beaten and kicked in her stomach on the 24th in her Karawal Nagar home.

⁴³² *Ibid.*

⁴³³ *Ibid.*

While Parveena herself had gone to take a bath when we met her family, her husband told us that they had nothing left to go back to, "They burnt everything down". On the 26th, after escaping the clutches of the mob, Parveena gave birth to their son at Al Hind Hospital, which was already full of patients, much more than its capacity.." (as told to Sashikala VP and Proma Chakraborty)⁴³⁴

- **Khadija Khatun**, Shiv Vihar

At around 11 pm on February 25, Khadija Khatun made a phone call to her parents in her hometown, and asked them to forgive all her sins. She thought that would be her last call.

Khatun cannot forget that fateful night, when she along with her husband and five children escaped from the clutches of death. For the past nine years, Khatun has been living on the ground floor of a rented house in lane 18 of Shiv Vihar. She had never imagined one day this very home would be unsafe for her.

Sitting on the ground floor of a three-storey home in Chaman Park, where several other women from Shiv Vihar have taken refuge, she is busy taking care of her year-old boy who has a deep wound on his left thigh.

Taking us back to the night of 25th, Khatun says, "At around 11 pm on that night, a mob came into our lane and started breaking locks and setting houses on fire. With nowhere to escape to, I locked my house on the ground floor and took shelter in the roof along with my family."

The mob was using cylinders to burn down the houses. A chunk of a bursting cylinder flew up and hit her toddler when they were on the roof. "I had to muffle his cries, so that they don't come to our house hearing his shrieks," she says, breaking down. "When they were bursting the cylinders, it felt like an earthquake and there was smoke all around. My children kept crying and begged me to save them."

With the rest of the houses burning around them, the family stayed put on the roof. She thought everything was over: "If I go down the mob will kill me, if I stay up, I will be burned in the fire."

Recalling the sequence of events, she said while most of the people in her lane had left by the 25th afternoon, Khatun remained. As the situation worsened, she asked her husband to take their family somewhere safe. "He told me not to worry as he thought things will die down. Most of the people were going to the houses of their relatives but I had nowhere to go. I wasn't aware of the shelter home here," says Khatun.

⁴³⁴ *Ibid.*

Continuing with her daily chores, she cooked for the family and fed them and put the children to sleep. “At night when the mob arrived at her lane, I took them to the roof.”

Hiding there for hours, they managed to escape at 4 am. “The mob was burning one of the nearby mosques when we heard the siren of a police van and the rioters dispersed.” Khatun and her husband along with the children ran from there and directly came to the shelter at Chaman Park. “We took only our lives with us. We could not carry anything else, not even one single document.” (as told to Sashikala VP and Prama Chakraborty)⁴³⁵

- **Bismillah**, 90, Shiv Vihar

Bismillah was recovering from a foot injury at the Al Hind Hospital till March 2, after which she came to the Eidgah.

Injured while escaping from their home in Shiv Vihar on the 25th, Bismillah says she never expected to see such a day in her life. “Everyone was running, and the next thing I knew I was lying on the road. After which I lost consciousness,” she says.

Rubbing her injured feet, Bismillah points to the protruding bones on her legs. “I am totally helpless here. I can’t even use the washroom alone,” she says, getting out of breath.

Living in the city for over 20 years now, she is still shocked at how the riots created such terror. “I never could have even imagined such a riot happening in Delhi.” (as told to Sashikala VP and Prama Chakraborty)⁴³⁶

3.5 Sequence of Incidents as Violence Unfolded

3.5.1 February 23, 2020, Sunday

- Clashes between supporters and opposers of CAA began on Sunday evening and escalated from Monday onwards after mobs chanting “Jai Shri Ram” attacked several Muslim neighbourhoods with stones, lathis and arson.⁴³⁷
- Kapil Mishra gives a call to his supporters on social media at around 12 noon to gather in large numbers at Maujpur Chowk to give an answer to the protestors blocking the road in Jaffrabad.⁴³⁸

⁴³⁵ *Ibid.*

⁴³⁶ *Ibid.*

⁴³⁷ Johari, A. (26 February 2020). An 85-year-old woman was burnt to death in her home in Delhi’s Gamri extension. *Scroll*. Retrieved from <https://scroll.in/article/954422/an-85-year-old-woman-was-burnt-to-death-in-her-home-in-delhis-gamri-extension> [17 July 2020].

⁴³⁸ Pandey, M.C. 25 February 2020). 5, including cop, killed in clashes: How violence unfolded in northeast >>

- Kapil Mishra visit Maujpur CAA protest site with his supporters and gave a 3-day ultimatum to the police to clear the road or that they would take it upon themselves. Deputy Commissioner of Police, North-East Delhi, Ved Prakash Surya stood beside him but made no effort to stop him.⁴³⁹
- Ragni Tiwari, aka Janki Behen did a Facebook Live near Maujpur calling Hindus to kill or be killed.⁴⁴⁰
- Signed eyewitness statement accessed by the *Quint* (however *Quint* states it has not been able to independently verify these claims however, an *ABP News* story⁴⁴¹ confirms parts of the timelines in the statement) says “At around 9 PM (on 23 February) I saw Ragini Tiwari come in a car with some people. The people accompanying were carrying big guns and she began giving her speech. Often while making people chant slogans, she would fire bullets in the air, after which the mob began losing control.”⁴⁴²
- Clashes broke out between pro- and anti-CAA protestors in Maujpur, Karawal Nagar, Maujpur Chowk, Babarpur, and Chand Bagh. Police resort to lathi-charge and fire tear gas shells.⁴⁴³
- Witnesses reported Mishra telling his supporters ‘*Yahi sahi mauka hai. Isse bhuna lo. Ab chook gaye to dubaara mauka nahi milega*’ (This is the right time. Exploit it. If you miss it, you won’t get another opportunity).⁴⁴⁴
- Witnesses further allege that there was no violence prior to his speech.⁴⁴⁵

Delhi. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-clashes-how-unfolded-northeast-sequence-1649674-2020-02-25> [17 July 2020].

⁴³⁹ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁴⁴⁰ Menon, A. & Iyer, A.S. (30 June 2020). ‘Kaat Do’ Said Ragini Tiwari, ‘Eyewitness’ Saw Her Firing Bullets. *Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragni-tiwari-hindutva-bjp-muslims> [17 July 2020].

⁴⁴¹ ABP News. (29 February 2020). [Video] Meet Ragini Tiwari, Accused Of Giving Hate Speeches In Delhi. Retrieved from <https://www.youtube.com/watch?v=HKHnuZKfjoI> [17 July 2020].

⁴⁴² Menon, A. & Iyer, A.S. (30 June 2020). ‘Kaat Do’ Said Ragini Tiwari, ‘Eyewitness’ Saw Her Firing Bullets. *Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragni-tiwari-hindutva-bjp-muslims> [17 July 2020].

⁴⁴³ Pandey, M.C. (25 February 2020). 5, including cop, killed in clashes: How violence unfolded in northeast Delhi. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-clashes-how-unfolded-northeast-sequence-1649674-2020-02-25> [17 July 2020].

⁴⁴⁴ Sharma, J.P. (09 March 2020). Delhi Riots 2020: Who Fanned The Flames of Hatred? Is Kapil Mishra Only To Blame? *Outlook*. Retrieved from <https://www.outlookindia.com/magazine/story/india-news-delhi-riots-2020-who-fanned-the-flames-of-hatred-is-kapil-mishra-only-to-blame/302875> [17 July 2020].

⁴⁴⁵ *Ibid.*

- According to Muslim residents of the Jaffrabad and Vijay Park, a mob of CAA supporters starting attacking Muslim houses in the localities minutes after Kapil Mishra left.⁴⁴⁶
- BJP leader Jagdish Pradhan alleged that protestors were only letting vehicles of Muslims pass by while Hindus were stopped and their vehicles were burnt. According to him, this is how it started from Maujpur and spread towards Brijpuri and Chand Bagh.⁴⁴⁷
- Shah Nawaz, resident of Vijay Park, reported 'saffron' mobs with sticks were standing at Babarpur junction asking the religious identity of anyone who entered to the extent of even making them strip.⁴⁴⁸
- Salman Khan, Sadim Rajput and Saif Ahmed were among other residents of Vijay Park who suffered multiple injuries in the attack on 23 February. All of them reported that they were beaten in front of the policemen who refused to help. The residents, too, said that the police walked behind the armed right-wing mobs as they attacked Muslim colonies. They said the police fired in their colonies while hiding behind the Hindu mobs.⁴⁴⁹
- Muhammad Mubarak, a daily wage earner, was attacked by a mob of CAA supporters near the Maujpur metro station. Mubarak told me that he did not want to cross the road to the station when he heard that people were being attacked. "But the cops standing at the barricade told me that it was absolutely fine to follow the road towards Vijay Park. And as soon as I started walking, the mob came from behind and attacked me. The police kept watching but didn't come to rescue me." Around twenty men beat him up. He has suffered injuries on his head, his back, behind his legs and had a deep cut above his left eyebrow. He reported that he was attacked with a sickle.⁴⁵⁰
- Residents said that on 23 February 2020, the police were chanting "Jai Shri Ram" as they charged at Muslim neighbourhoods along with the Hindu mobs. Caravan reported witnessing a deeply antagonistic attitude by the police which was deployed in the Muslim localities. The personnel stationed in Jaffrabad did not mingle with the anti-

⁴⁴⁶ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁴⁴⁷ Sharma, J.P. (09 March 2020). Delhi Riots 2020: Who Fanned The Flames of Hatred? Is Kapil Mishra Only To Blame? *Outlook*. Retrieved from <https://www.outlookindia.com/magazine/story/india-news-delhi-riots-2020-who-fanned-the-flames-of-hatred-is-kapil-mishra-only-to-blame/302875> [17 July 2020].

⁴⁴⁸ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁴⁴⁹ *Ibid.*

⁴⁵⁰ *Ibid.*

CAA protesters or even attempt to talk to them, in sharp relief to their bonhomie with even the armed mob supporting the CAA.⁴⁵¹

- Residents further allege that the coordinated manner in which ravaging mobs moved from locality to locality was indication that the attacks were planned beforehand and was not a mere spontaneous reaction to Mishra's speech.⁴⁵²
- Muhammad Zubair, an advocate, was returning from the Kakardooma court to his home at Vijay Park on 23 February, when a mob supporting the CAA attacked him. He said the mob used slurs while beating him up, saying, "*Katmulle hain, maro sale ko*" – He's circumcised, beat this bastard. Zubair said he called the local station-house officer, who did not come to his rescue. He said he called the police again when the Hindu right-wing mob started entering the Muslim colonies with chants of "Jai Shri Ram" but the police never arrived. Zubair sustained a head injury in the attack.⁴⁵³

3.5.2 February 24, 2020, Monday

- Protests continue at Jaffrabad.⁴⁵⁴
- Around 10:00 am pro-CAA protestors come close to the protest site and refuse to leave until the road is cleared.⁴⁵⁵
- In a couple of hours stone-pelting starts at Babarpur with protestors wearing masks and waving swords clashed with the police – clashes are also reported in Karawal Nagar, Sherpur Chowk, and Gokulpuri.⁴⁵⁶
- According to the police charge-sheet, Salim Munna (main accused No. 2) was delivering a provocative speech exhorting Muslim men and women to show their might. The police have claimed that they tried to communicate with Munna on the morning of 24 February 2020 but he refused to meet and continued to instigate the crowd which ultimately led to the riots.

⁴⁵¹ *Ibid.*

⁴⁵² Sharma, J.P. (09 March 2020). Delhi Riots 2020: Who Fanned The Flames of Hatred? Is Kapil Mishra Only To Blame? *Outlook*. Retrieved from <https://www.outlookindia.com/magazine/story/india-news-delhi-riots-2020-who-fanned-the-flames-of-hatred-is-kapil-mishra-only-to-blame/302875> [17 July 2020].

⁴⁵³ *Ibid.*

⁴⁵⁴ Pandey, M.C. (25 February 2020). 5, including cop, killed in clashes: How violence unfolded in northeast Delhi. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-clashes-how-unfolded-northeast-sequence-1649674-2020-02-25> [17 July 2020].

⁴⁵⁵ *Ibid.*

⁴⁵⁶ *Ibid.*

- ACP Gokulpuri Anuj Kumar sent Constables Gyan and Sunil to media and stop the crowd build-up. However, they got caught up by the crowd and returned with great difficulty according to the charge-sheet.
- In a second attempt to mediate, the altercation with the police turned violent. In retreating, the police had to cross a 5ft tall divider. Those who were able to cross the divider got lucky while rest were lynched. In this assault at the divider Head Constable Ratan Lal was shot and DCP Shahdara Amit Sharma and ACP Gokulpuri Anuj Kumar was injured.
- HC Ratan Lal was rushed to the GTB Hospital where he was declared brought dead. According to Ratan Lal's post-mortem report he "suffered 21 injuries on his body and was attacked with sticks, rods and bullets. His cause of death was haemorrhagic shock, which means that his body shut down due to immense blood loss. Six of these 21 were sufficient to cause death in ordinary course of nature independently and collectively, the report said."
- Residents alleged that at around 11 am on Monday morning, a mob shielded by the police from the front marched from Bhajanpura and Yamuna Vihar, located on the opposite side of the highway that separates the neighbourhoods from Chandbagh. "The police first fired teargas and pushed us back. As we ran from the police action, a wave of men came from behind them and began setting fire to properties," he said.⁴⁵⁷
- Nishant Kumar, 29, resident of Karawal Nagar who later claimed to kill 3 Muslims on 25 February 2020 said that he saw a "Mohammadan" mob burn down vehicles in the Yamuna Vihar service lane that runs parallel to the Wazirabad-Loni road in North East Delhi on Monday afternoon. He was at the Bhajanpura petrol pump, fuelling up one of his lorries. He owns two of them. "Main bhaaga us time jaan bachha ke," said Kumar. "I fled then to save my life."⁴⁵⁸
- Petrol pump in Bhajanpura set on fire; "Rioters from the other side of the road broke the railing between the road and came charging towards the petrol pump. They were chanting slogans of "Azaadi" and were carrying petrol bombs, sticks and weapons," said Mahendra Pal who used to work at the petrol pump. 50-60 employees at the petrol pump have been rendered jobless.⁴⁵⁹

⁴⁵⁷ Chakravarthy, I. & Yamunan, S. (27 February 2020). 24 hours inside Delhi locality: How violent mobs burnt school, mosque, madrasa, protest site. *Scroll*. Retrieved from <https://scroll.in/article/954450/24-hours-inside-delhi-locality-how-violence-consumed-school-mosque-madrassa-protest-site> [17 July 2020].

⁴⁵⁸ Saikia, A. (04 March 2020). 'I coloured my sword red': Meet Delhi rioters who say they killed Muslims. *Scroll*. Retrieved from <https://scroll.in/article/955044/meet-the-rioters-who-say-they-killed-muslims-in-delhi-violence> [17 July 2020].

⁴⁵⁹ Press Trust of India. (27 February 2020). Delhi Violence: Burnt Vehicles and Petrol Tanks Are All That
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- Tyre market in Gokalpuri set on fire where several shops were gutted; after the call about the fire was received around 08:00 pm, it took 15 fire tenders until 11:40 pm to bring the fire under control.⁴⁶⁰ Located close to the Gokalpuri metro station, it is a cluster of 224 shops owned mostly by Muslim families from Old Delhi. It was shifted from Meena Bazaar near Jama Masjid to its present location in 2001. The market association estimated a loss of INR 15 crore; most of the shops were looted before they were burnt and more than 400 families have lost their livelihoods and any savings that they had. Each shop supported 2-3 families. Shop owners report that Abdullah Bukhari mosque that stood under a tin shed was burnt before the market was set on fire. They further said that the market was set ablaze repeatedly from Monday until Wednesday even after the fire was doused the first time.⁴⁶¹ The police at the site of the burning said it was 'electrical fire' while a mob shouted *Jai Shri Ram* into the heat and smoke.⁴⁶²
- Clashes in Kardampuri⁴⁶³
- Rioting on Ghonda Chowk and Maujpur Chowk⁴⁶⁴
- Police used tear gas to disperse crowd in Chand Bagh area as fresh violence erupts⁴⁶⁵
- Prohibitory orders under section 144 CrPC (Code of Criminal Procedure) banning the assembly of four or more people without much avail⁴⁶⁶
- A massive parking lot with 60-80 cars was set on fire – the burnt out structures of the cars stood surrounded by stones, petrol bombs, desi bombs, and acid filled bottles.

Remain in Bhajanpura Petrol Pump. *News18*. Retrieved from <https://www.news18.com/news/india/delhi-violence-burnt-vehicles-and-petrol-tanks-are-all-that-remain-in-bhajanpura-petrol-pump-2518323.html> [17 July 2020].

⁴⁶⁰ Press Trust of India. (25 February 2020). Four dead in clashes over CAA, mob sets tyre market on fire in Gokulpuri area. *The Print*. Retrieved from <https://theprint.in/india/four-dead-in-clashes-over-cao-mob-sets-tyre-market-on-fire-in-gokulpuri-area/370397/> [17 July 2020].

⁴⁶¹ Ameen, F. (05 March 2020). Gutted tyre market has a story to tell. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/gutted-tyre-market-has-a-story-to-tell/cid/1751279> [17 July 2020].

⁴⁶² Barton, N. (25 Feb 2020). At Gokalpuri Tyre Market, Fire Rages as Hindutva Activists Shout Slogans. *The Wire*. Retrieved from <https://thewire.in/communalism/gokalpuri-tyre-market-fire-jai-shree-ram> [17 July 2020].

⁴⁶³ Pandey, M.C. (25 February 2020). 5, including cop, killed in clashes: How violence unfolded in northeast Delhi. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-clashes-how-unfolded-northeast-sequence-1649674-2020-02-25> [17 July 2020].

⁴⁶⁴ *Ibid.*

⁴⁶⁵ NDTV. (25 February 2020). 13 Dead In Delhi Clashes, 70 Have Gunshot Wounds: 10 Points. Retrieved from <https://www.ndtv.com/india-news/delhi-violence-over-cao-northeast-delhi-tense-day-after-5-killed-in-cao-clashes-amid-donald-trump-vi-2185146> [17 July 2020].

⁴⁶⁶ Gothi, C. (24 February 2020). Rioters set petrol pump on fire in North-East Delhi's Bhajanpura. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/bhajanpura-petrol-pump-fire-1649533-2020-02-24> [17 July 2020].

- Monu Kumar, 25, and his father Vinod Kumar, 51, of Brahmpuri stepped out to buy medicines when a mob caught up with them and beat them mercilessly. Monu survived the ordeal but his father did not.⁴⁶⁷ Vinod Kumar was a businessman who loaned out music systems for weddings and parties.⁴⁶⁸
- Rahul Solanki was an engineer and lived in Babu Nagar. His father Hari Singh Solanki, 50, said that around 5.30pm on 24 February, he went out to buy milk from the nearby dairy." Within 15 to 20 minutes of him leaving the house, we got reports that he had been shot. He had a gunshot wound to his throat," he said. The family took him to a local nursing home where they were told to go to the GTB Hospital. Due to intense violence on the way, the family decided to take him to a hospital in Ghaziabad's Loni area. Solanki passed away before they could reach the hospital.⁴⁶⁹
- In Shiv Vihar, several shops and homes owned by Hindus were torched.⁴⁷⁰
- DRP Public School was burnt down with Rajdhani Public School, that, stood beside it, allegedly used as a base. Faisal Farooque, owner of the latter has been arrested on the complaint of the manager of DRP Public School.⁴⁷¹ Rajdhani Public School, next to DRP, was also damaged in the riot. Rooms on the ground floor were torched, books strewn on the floor and outside, along with shards of glass everywhere. Security guard Manoj Chandra, who was at school when the attack happened, said, "Rioters ransacked my quarters and stole our belongings. They threatened to kill me and my family. I somehow managed to escape."⁴⁷²
- Violence began in Gamri Extension, a predominantly Hindu neighbourhood with 90-100 Muslim families, at night when around 200 Muslims were returning after offering Kasabpura *Ijtima* prayers that are held every February in a mosque in Karol Bagh. They were on their home towards Loni when a mob of 100-150 Hindus attacked them in

⁴⁶⁷ Khan, F. & Pandey, S. (27 February 2020). Anger towards 'other side' echoes in Hindu-dominated areas of riot-hit Northeast Delhi. *The Print*. Retrieved from <https://theprint.in/india/anger-towards-other-side-echoes-in-hindu-dominated-areas-of-riot-hit-northeast-delhi/372502/> [17 July 2020].

⁴⁶⁸ Lalwani, V. & Kohli, K. (28 February 2020). Divided city: How barricades came up overnight between Hindu and Muslim neighbourhoods in Delhi. *Scroll*. Retrieved from <https://scroll.in/article/954574/divided-city-how-barricades-came-up-overnight-between-hindu-and-muslim-neighbourhoods-in-delhi> [17 July 2020].

⁴⁶⁹ Kuchay, B. (2020). Killed by hate. *Al Jazeera*. Retrieved from <https://interactive.aljazeera.com/aje/2020/delhi-riots-portraits/index.html> [24 July 2020].

⁴⁷⁰ Khan, F. & Pandey, S. (27 February 2020). Anger towards 'other side' echoes in Hindu-dominated areas of riot-hit Northeast Delhi. *The Print*. Retrieved from <https://theprint.in/india/anger-towards-other-side-echoes-in-hindu-dominated-areas-of-riot-hit-northeast-delhi/372502/> [17 July 2020].

⁴⁷¹ Trivedi, S. (04 June 2020). School owner charged with attempt to murder, rioting. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/school-owner-charged-with-attempt-to-murder-rioting/article31743203.ece> [17 July 2020].

⁴⁷² Khan, F. & Pandey, S. (27 February 2020). Anger towards 'other side' echoes in Hindu-dominated areas of riot-hit Northeast Delhi. *The Print*. Retrieved from <https://theprint.in/india/anger-towards-other-side-echoes-in-hindu-dominated-areas-of-riot-hit-northeast-delhi/372502/> [17 July 2020].

Khajuri. These Muslim then sought refuge in Gamri's Aziziya Masjid where they remained all night.

- Akram Khan, 22, lost his right hand after a bomb was thrown at him from Mohan Nursing Home. He was attacked while returning home from an Ijtema; Akram's testimony (Akram's right hand had to be amputated):⁴⁷³

"On Monday 24/02/2020 at around 2 PM I was returning home from Ijtima at Qasabpura. When I reached the Bhajanpura Mazaar road, a crowd had gathered on the road which included Gaurav and Saurav who live in Gali Number 22 Shiv Vihar and who I know from before. They had guns in their hands and were wearing saffron clothes."

Akram claims that when he was attacked near Mohan Nursing Home, rioters were chanting slogans in support of BJP leaders. The slogans were about former MLA Jagdish Pradhan and Kapil Mishra as well as BJP municipal councillor Kanhaiya Lal.

"Some people had gathered on the roof of Mohan Nursing Home . They were carrying sticks, bombs, stones and guns and they were chanting slogans like 'Jagdish Pradhan Zindabad', 'Kapil Mishra Zindabad', 'Kanhaiya Lal Zindabad' and 'Jai Shri Ram'.

According to Akram, "Senior police officers were also present and they were telling the rioters 'Daro mat police tumhare saath hai, maaro in ka**o ko (Do not worry, the police is standing by you. Kill these Muslims)'."

The attack: When the bomb fell near Akram's hands

"At that point, one of them asked my name and I replied 'Akram'. The rioters ran after me and I fell down. Then from the top of Mohan Nursing Home, the owner (of the nursing home) and his employees began throwing stones and bombs at me," Akram alleges.

"At that moment I saw a bomb being thrown from the roof of Mohan Nursing Home. Before I could stand up, it fell near my hand and both my hands were caught in the explosion."

Police complaint by Mohammad Akram Khan

"Some boys saved my life and took me to Meher Hospital. Using my phone, they called my elder brother in the village. My elder brother called my chacha (uncle) Jalaluddin and informed him. Uncle called on my phone and a boy received it, and told him that I was in Meher hospital. My uncle reached Meher hospital and when he saw that my

⁴⁷³ Menon, A. & Iyer, A.S. (26 June 2020). Lost My Hand to Bomb Thrown From Nursing Home: Delhi Riot Survivor. *The Quint*. Retrieved from <https://www.thequint.com/news/india/north-east-delhi-riots-akram-hand-delhi-police-mohan-nursing-home> [17 July 2020].

condition was serious, he took me to GTB hospital and the doctors admitted me there," Akram narrates.⁴⁷⁴

- DCP North-East Delhi Ved Prakash Surya walked up to the members of a pro-CAA mob amid chants of "Delhi Police zindabad" and shook hands with them. Prakash's reception by the Hindu mob was not unusual. Every time a police vehicle passed through the armed mob, the mob cheered them—some of them were casually chatting with the police with their sticks and lathis in hand. It seemed as if the armed mob was unafraid of the police.⁴⁷⁵
- Anil Sharma owned three shops that were set afire — Anil Sweet Corner, Anil Pastry, and a workhouse for both of them. Sharad Kumar, who was employed at the workhouse, told *ThePrint*: "A mob from the nearby Aqsa Masjid surrounded us from the afternoon of 24 February, and then burned everything down in the next 4-5 hours with petrol bombs and acid bottles. They caused damage of more than a crore to the shops, as each shop had materials worth Rs 40-50 lakh each." Sharad continued: "A Muslim mob from adjoining Mustafabad area kept coming back to throw stones and petrol until this morning (Thursday), after which we recovered mutilated bodies of workers which were trapped in a nearby building and workshops."⁴⁷⁶
- Dilbar Negi, 20, was burnt alive in Anil Sweet Shop where he used to work. His charred body was recovered two days later on 26 February 2020 from the second floor of the shop. Negi was from the Pauri-Garhwal region in Uttarakhand who had come to Delhi six-months prior to the violence to work.⁴⁷⁷
- Mohammad Yusuf, 53, was returning home in Mustafabad with his son, Suleman, 19, when they were intercepted by a mob in Gokalpuri Chowk. They were asked to chant *Jai Shri Ram* before being attacked with iron rod, sticks, and stones while their motorcycle was set on fire. Yusuf died on being lynched; his murderers had used a stone to smash his head. Suleman sustained multiple injuries and had lost consciousness and found himself in GTB Hospital when was able to regain consciousness.⁴⁷⁸

⁴⁷⁴ *Ibid.*

⁴⁷⁵ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁴⁷⁶ Khan, F. & Pandey, S. (27 February 2020). Anger towards 'other side' echoes in Hindu-dominated areas of riot-hit Northeast Delhi. *The Print*. Retrieved from <https://theprint.in/india/anger-towards-other-side-echoes-in-hindu-dominated-areas-of-riot-hit-northeast-delhi/372502/> [17 July 2020].

⁴⁷⁷ Nandy, A. (17 June 2020). Delhi Riots: Inside the Charge Sheet on Dilbar Negi's Killing. *The Quint*. Retrieved from <https://www.thequint.com/news/india/dilbar-negi-burnt-body-found-during-delhi-violence-inside-details-gaps-chargesheet> [17 July 2020].

⁴⁷⁸ Trivedi, S. (02 March 2020). 53-year-old beaten to death in violence on February 24. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/53-year-old-lynched-teenaged-son-hurt-in->

- Munna, resident of Jaffrabad and auto-driver, reported that Hindu vigilantes stopped his auto, held his Muslim passenger by his beard and beat him up post which he has refused to drive through the Maujpur – Babarpur junction.⁴⁷⁹
- Additional Medical Superintendent, GTB Hospital, Dr. Rajesh Kalra, said five persons, including head constable Rattan Lal, died during the violence.⁴⁸⁰
- Dr. Kalra added that over 50 persons had sustained injuries, which were due to stone-throwing and firing.⁴⁸¹
- The man who was seen firing during the violence in the Jaffrabad area, had been identified as Shahrukh Khan and detained. The police also recovered a pistol from him.⁴⁸²
- Deputy Chief Minister Manish Sisodia tweeted that all government and private schools in North-East Delhi would be closed the following day.⁴⁸³

3.5.3 February 25, 2020, Tuesday

- Barricades had come up separating Hindu and Muslim neighbourhoods.⁴⁸⁴
- Atul Kumar was shot in the stomach at 05:00 am when he had gone out for a morning walk near Brahmpuri's Shiv Mandir
- 5 stations (Jaffrabad, Maujpur-Babarpur, Gokulpuri, Johri Enclave and Shiv Vihar) on the Delhi Metro Pink line was closed for the second consecutive day with journey terminated at Welcome.⁴⁸⁵
- Chief Minister Arvind Kejriwal tweeted about an all-Party MLAs meeting of the affected areas along with senior officials.⁴⁸⁶

violence-on-feb-24/article30958818.ece [17 July 2020].

⁴⁷⁹ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁴⁸⁰ Trivedi, S. & Bhandari, H. (24 February 2020). Policeman among 5 killed in Delhi violence over CAA. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/pro-anti-caa-groups-clash-in-northeast-delhis-maujpur/article30901937.ece> [17 July 2020].

⁴⁸¹ *Ibid.*

⁴⁸² *Ibid.*

⁴⁸³ *Ibid.*

⁴⁸⁴ Lalwani, V. & Kohli, K. (28 February 2020). Divided city: How barricades came up overnight between Hindu and Muslim neighbourhoods in Delhi. *Scroll*. Retrieved from <https://scroll.in/article/954574/divided-city-how-barricades-came-up-overnight-between-hindu-and-muslim-neighbourhoods-in-delhi> [17 July 2020].

⁴⁸⁵ The Hindu Net Desk. (25 February 2020). Delhi violence: Shoot at sight orders issued in northeast Delhi. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-live-updates/article30910539.ece> [17 July 2020].

- Home Minister Amit Shah, CM Arvind Kejriwal, and Lt. Gen. Anil Bajjal, Delhi Police Commissioner Amulya Patnaik, Manoj Tiwari of BJP, and Subhash Chopra of Congress meet.⁴⁸⁷
- The Supreme Court agrees to hear the application of former Chief Information Commissioner, Wajahat Habibullah and others with regard to the lodging of FIRs with regard to the recent violence in Delhi over the amended citizenship law.⁴⁸⁸
- Rapid Action Force (RAF) was deployed in areas that reported heavy violence like Maujpur, Brahmpuri and adjoining areas.⁴⁸⁹
- While attending distress calls, a fire tender was pelted with stones while another was torched.⁴⁹⁰
- As cases of arson continued to be reported, the Fire Department said that they will only attend calls if assured of protection by the Delhi Police.⁴⁹¹
- Rahul Thakur lived in Brijpuri, where he was preparing for the Staff Selection Commission examination, which would have gotten him an administrative job with the government. His family told that as violence began on 25 February, he stepped out of his home to see what was going on. Within minutes, he was shot in the chest.⁴⁹²
- CM Arvind Kejriwal met with the injured at GTB Hospital and Max hospital⁴⁹³
- Deputy CM Manish Sisodia and Health Minister Satyender Jain visited the riot affected areas.⁴⁹⁴
- Delhi High Court agreed to hear a plea filed by human rights activists Harsh Mander and Farah Naqvi to register FIRs against perpetrators and the constitution of a Special Investigation Team.⁴⁹⁵
- Doctor at GTB Hospital says 50% of those injured sustained bullet injuries.⁴⁹⁶
- RAF and CRPF (Central Reserve Police Force) deployed.⁴⁹⁷

⁴⁸⁶ *Ibid.*

⁴⁸⁷ *Ibid.*

⁴⁸⁸ *Ibid.*

⁴⁸⁹ *Ibid.*

⁴⁹⁰ *Ibid.*

⁴⁹¹ *Ibid.*

⁴⁹² Kuchay, B. (2020). Killed by hate. *Al Jazeera*. Retrieved from <https://interactive.aljazeera.com/aje/2020/delhi-riots-portraits/index.html> [24 July 2020].

⁴⁹³ *Ibid.*

⁴⁹⁴ *Ibid.*

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

- Fresh wave of violence in Chand Bagh – a bakery and several fruit carts set on fire⁴⁹⁸
- Delhi High Court asks CBSE to reschedule North-East Delhi board examinations or shift centre; CBSE postpones examinations scheduled for the following day⁴⁹⁹
- Delhi Minorities Commission seeks imposition of curfew in riot affected areas⁵⁰⁰
- Dy. CM Manish Sisodia announced government and private schools will continue to remain closed the following day, Wednesday⁵⁰¹
- 3 state border adjoining North-East Delhi sealed – Laal Bagh, DLF Embankment Loni, and Tulsi Niketan borders of Sahibabad⁵⁰²
- IPS Officer S.N. Shrivastava appointed as Special Commissioner of Delhi Police with immediate effect.⁵⁰³
- Curfew imposed in Maujpur, Karawal Nagar, Chand Bagh, Jaffrabad with shoot at sight orders also given in parts of North-East Delhi.⁵⁰⁴
- Parvez Alam, 50, was hit by a bullet while he stood at the intersection of Gali No. 9 in Subhash Mohalla in Ghonda, he died on the way to the hospital. He was trying to broker truce by pleading with the mobs on the other side. He ran a small NGO in the neighbourhood arranging free books for children and eye surgeries for the elderly.⁵⁰⁵
- Small enclave of Muslim families living near the Auliya Masjid in Ghonda were attacked with gunfire, the area witnessed one of the worst cases of gun violence. Mohammad Maroof, 34, was shot near his eye and did not survive. Shamshad Khan, 24, a daily wager was also hit by bullets.⁵⁰⁶

⁴⁹⁷ *Ibid.*

⁴⁹⁸ *Ibid.*

⁴⁹⁹ *Ibid.*

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Ibid.*

⁵⁰² *Ibid.*

⁵⁰³ *Ibid.*

⁵⁰⁴ The Hindu Net Desk. (25 February 2020). Delhi violence: Shoot at sight orders issued in northeast Delhi. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-live-updates/article30910539.ece> [17 July 2020].

⁵⁰⁵ Lalwani, V. & Kohli, K. (28 February 2020). Divided city: How barricades came up overnight between Hindu and Muslim neighbourhoods in Delhi. *Scroll*. Retrieved from <https://scroll.in/article/954574/divided-city-how-barricades-came-up-overnight-between-hindu-and-muslim-neighbourhoods-in-delhi> [17 July 2020].

⁵⁰⁶ *Ibid.*

- The area near Auliya Masjid in North Ghonda saw the worst gun violence where a mob chanting *Jai Shri Ram* entered the neighbourhood and vandalized the streets lights, CCTV cameras, broke locks outside homes, and opened fire.⁵⁰⁷
- Arun Modern Public Senior Secondary School in Brijpuri, at the entrance to Mustafabad, was burnt down around 4:00 – 05:00 pm in the evening. The attack was launched from the Farooqia Mosque behind the school which was later burnt down at around 08:00 pm the same day. The mosque was reported to be badly charred with bloodstains on the floor and burnt Qurans. The madrassa behind the mosque was also badly ravaged.⁵⁰⁸
- The Hindu residents of Brijpuri said the police finally arrived on Tuesday evening. But the Muslim residents of Mustafabad and Chandbagh alleged the security forces aided the marauding crowds which continued their violence next morning.⁵⁰⁹

3.5.4 February 26, 2020, Wednesday

- At 12:30 am National Security Advisor Ajit Doval visited riot hit areas of North East Delhi after he having visited Deputy Commissioner of Police north east in Seelampur, along with Commissioner of Police Amulya Patnaik to seek details of the deaths, injuries and update on number of people arrested or detained.⁵¹⁰ Later ANI tweeted video at 5:05am showing Ajit Doval leaving from the office of Deputy Commissioner of Police north east Seelampur to review the security in different areas of north east Delhi.⁵¹¹
- At 12:30 am a special sitting was convened at Justice S. Muralidhar's residence under the orders of the senior most judge, Justice G.S Sistani. The bench directed the Delhi Police to ensure safe passage to 22 victims of riots stuck in Al-Hind Hospital in north-east Delhi and also ensure that injured victims receive immediate emergency treatment

⁵⁰⁷ *Ibid.*

⁵⁰⁸ Chakravarthy, I. & Yamunan, S. (27 February 2020). 24 hours inside Delhi locality: How violent mobs burnt school, mosque, madrassa, protest site. *Scroll*. Retrieved from <https://scroll.in/article/954450/24-hours-inside-delhi-locality-how-violence-consumed-school-mosque-madrassa-protest-site> [17 July 2020].

⁵⁰⁹ *Ibid.*

⁵¹⁰ Express Web Desk. (28 February 2020). Delhi violence highlights: SIT to probe violence, death toll now at 38. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-live-updates-death-toll-maujpur-babarpur-kabirnagar-6287058/> [24 July 2020]

⁵¹¹ ANI. (26 February 2020). #WATCH Delhi: National Security Advisor (NSA) AjitDoval leaves from the office of Deputy Commissioner of Police North-East in Seelampur to review the security situation in different parts of North-East Delhi, on the intervening night of 25-26 February. #DelhiViolence. *Twitter*. Retrieved from <https://twitter.com/ANI/status/1232449184546131968> [24 July 2020].

at LNJP Hospital or Maulana Azad or any other government hospital if treatment is cannot be provided at GTB Hospital.⁵¹²

- Kashif Raza a resident of Chand Bagh gave account of incident to Saira Aslam that there had been no electricity supply in her area since 9 pm Tuesday night and there were group of people coming at 12:50 am, 1:40 am as well as at 3 am.⁵¹³
- At 3:30 am Delhi Police used water cannons against people outside Delhi Chief Minister Arvind Kejriwal's residence⁵¹⁴ who were asking him to meet them to submit a charter of demands that included his direct intervention in violence hit areas and action taken over person involved in creating the unrest in Northeast Delhi.⁵¹⁵
- At 5:30 am gas cylinders were thrown inside Jannati Masjid situated in Gokulpuri.⁵¹⁶ The smoke from the previous day fire could already be seen coming out of the mosque minarets.
- At 6:26 am DMRC tweeted that all Delhi Metro stations were reopened, including Jaffrabad, Maujpur-Babarpur, Gokulpuri, Johri Enclave and Shiv Vihar that were shut for two days over clashes in Northeast Delhi.⁵¹⁷
- Around 8 am, Muslim residents of Mustafabad-Brijpuri area alleged that there were fresh violence⁵¹⁸

⁵¹² The Wire Staff. (26 February 2020). Delhi Riots: After late night HC direction to police, injured Muslims get safe passage. *The Wire*. Retrieved from <https://thewire.in/law/delhi-riots-give-injured-muslims-safe-passage-hc-directs-police-in-late-night-order>[24 July 2020].

⁵¹³ The Hindu Net Desk. (26 February 2020). Delhi violence day 4 updates. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-day-4-live-updates/article30919537.ece>[24 July 2020].

⁵¹⁴ The Wire Staff. (27 February 2020). Delhi Riots: Death toll rises to 38; Sonia Gandhi calls centre, Delhi govt 'mute spectators'. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-deaths-news-live> [24 July 2020].

⁵¹⁵ IANS. (26 February 2020). Outside Kejriwal's residence, police use water cannons to disperse JNU & Jamia students. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-outside-kejriwals-residence-police-use-water-cannons-to-disperse-jnu-jamia-students/347860> [24 July 2020].

⁵¹⁶ Delhi Minorities Commission. (July 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

⁵¹⁷ India Today. (27 February 2020). Delhi violence updates: Death toll rises to 27 as LNJP hospital reports 2 deaths. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-live-updates-delhi-metro-jaffrabad-maujpur-babarpur-gokulpuri-riots-delhi-police-curfew-1650026-2020-02-26#57101/> [24 July 2020].

⁵¹⁸ Chakravarthy, I. & Yamunan, S. (27 February 2020). 24 Hours inside Delhi locality: How violent mob burnt school, mosque, madrassa, protest site. *Scroll*. Retrieved from <https://scroll.in/article/954450/24-hours-inside-delhi-locality-how-violence-consumed-school-mosque-madrassa-protest-site> [24 July 2020].

- At around 8 am, mob chanting “Jai Shri Ram” along with other slogans entered the Furqania Masjid and the adjoining Jamiatul Huda Madrasa in Brijpuri Puliya near Mustafabad by breaking the locks. They destroyed the Closed Circuit Television (CCTV).⁵¹⁹
- At Furqania Masjid in Mustafabad Brijpuri area the mob was accompanied by police force in uniform and wielding batons, Arif Siddiqi, a local resident said, “The police also set fire to the madrassa”.⁵²⁰
- At around 8 am security personnel were deployed in Maujpur, Seelampur and Gokulpuri⁵²¹
- S.N. Srivastava, Special Commissioner of Delhi Police visited Seelampur⁵²²
- Delhi government announced that it will provide compensation of Rs. 1 crore to the family of Head Constable Ratan Lal who was martyred in the violence in north east Delhi.⁵²³
- At 10 am Ankit Sharma’s (Intelligence Bureau officer) mutilated body was taken out from the drain in Khajuri Khas.⁵²⁴ There is still ambiguity over how Ankit was killed and what led to his killing. Different media houses have covered the news of Ankit’s death differently.⁵²⁵ The below mentioned description is from *the Print*.

On 25th February Ankit Sharma had gone to look for his brother Ankur Sharma. After not returning home until 11:30 pm, Ankur Sharma searched Ankit around the area and even inquired about him at every possible place. He decided to go to the Khajuri Khas police station and lodge a report. After not filing the report at Khajuri Khas, Ankur Sharma was told to go to Dayalpur police station.

⁵¹⁹ *Ibid.*

⁵²⁰ *Ibid.*

⁵²¹ Economic Times. (28 February 2020). Delhi violence updates: Death toll rises to 27. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/delhi-cao-protest-latest-news-live-updates-26-feb/liveblog/msid-74311413,curpg-2.cms> [24 July 2020].

⁵²² IANS. (26 February 2020). Seelampur normal after days of horror, top cops visit spot. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/seelampur-normal-after-days-of-horror-top-cop-visits-spot/1744544> [24 July 2020].

⁵²³ Press Trust of India. (26 February 2020). Rs 1 crore compensation for head constable who died in Delhi violence: Arvind Kejriwal. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/rs-1-crore-compensation-for-head-constable-who-died-in-delhi-violence-arvind-kejriwal/articleshow/74320695.cms> [24 July 2020].

⁵²⁴ Bhardwaj, A. (27 February 2020). IB officer Ankit Sharma’s death case of ‘targeted killing’, AAP’s Tahir Hussain named in FIR. *The Print*. Retrieved from <https://theprint.in/india/ib-officer-ankit-sharmas-death-case-of-targeted-killing-aaps-tahir-hussain-named-in-fir/372346/> [24 July 2020].

⁵²⁵ Tiwari, A. (05 March 2020). Ankit Sharma’s murder: A ground report that tells you what several news reports didn’t. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/03/05/did-the-media-spotlight-on-ankit-sharma-shed-clarity-on-his-murder-no> [24 July 2020].

Even after reaching Dayalpur police station, an FIR was not filed instead a hand written complaint was taken and they were told to look for his brother's body at GTB Hospital.

By 12:30 am the family of Ankur Sharma could not find his brother's body at GTB Hospital and returned to Dayalpur Police Station and requested them to write an FIR.

At 1:30 am the family returned home and again started the search operation with the help of their neighbours.

At 7 am the family again went to Dayalpur police and requested them to search the drain, after few residents had told them that Ankit's body along with two others were thrown in the drain.

At 10 am police arrived and took out Ankit's body from the drain.

- The post-mortem report of Ankit Sharma said he was stabbed 12 times and received 51 injuries in all.⁵²⁶
- At 1:52 am Delhi Chief Minister Arvind Kejriwal tweeted that he will write to Home Ministry to deploy army to control violence.⁵²⁷ But the reason for army not being deployed in riot affected areas was because for the army to be called a formal request has to be made by the District Magistrate of the area affected by the violence and in Delhi the District Magistrate is under Delhi government, but that was not done by the Arvind Kejriwal's government.⁵²⁸
- The Delhi High Court directed Central Board of Secondary Education (CBSE) to take a call on the schedule of board examination of class 10 and 12 in the next 10 to 15 days.⁵²⁹
- Across the canal, in Mustafabad proper, residents also complained of police apathy. On the afternoon of February 26, the Mustafabad MLA, the Aam Aadmi Party's Haji

⁵²⁶ Bhardwaj, A. (13 March 2020). IB staffer Ankit Sharma, killed in Delhi riots, was stabbed 12 times & had 33 blunt injuries. *The Print*. Retrieved from <https://theprint.in/india/ib-staffer-ankit-sharma-killed-in-delhi-riots-was-stabbed-12-times-and-not-400-times/380720/> [24 July 2020].

⁵²⁷ Kejriwal, A. (26 February 2020). Army shud be called in and curfew imposed in rest of affected areas immediately. *Twitter*. Retrieved from <https://twitter.com/ArvindKejriwal/status/1232536291213901825> [24 July 2020].

⁵²⁸ Joshi, M. (26 February 2020). Delhi violence: Atishi asks why no Army, her AAP govt can answer. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-atishi-asks-why-no-army-her-aap-govt-can-answer-6286809/lite/> [24 July 2020].

⁵²⁹ Press Trust of India. (26 February 2020). Inform students about board exam schedule for 10-15 days in violence-hit areas in one go: HC to CBSE. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/inform-students-about-board-exam-schedule-for-10-15-days-in-violence-hit-areas-in-one-go-hc-to-cbse/articleshow/74316028.cms>[24 July 2020].

Yunus, sat in his home taking down complaints from local residents and working the phones.⁵³⁰

- Delhi High Court expressed “anguish” over the failure of Delhi Police to register FIR against the alleged hate speeches made by three BJP leaders in connection to CAA related violence.⁵³¹
- The Delhi High Court directed Tushar Mehta, Solicitor General of India and appearing for Delhi Police to “take conscious” decision to register an FIR within 24 hours on BJP leaders Kapil Mishra, Anurag Thakur and Pravesh Verma for their speeches that led to incitement of violence.⁵³²
- Delhi High Court said it cannot allow another incident like 1984 anti-Sikh riots in the city happen under its watch.⁵³³
- Delhi High Court while hearing the plea filed by Harsh Mander who was seeking judicial inquiry into the incident of Delhi violence and FIR against the culprits asked Tushar Mehta that, “There are videos that hundreds of people have watched. Do you still think it’s not an urgent matter?” when Tushar Mehta asked the court to postpone the matter till 27 February. After Solicitor General said he hadn’t watched the videos, Justice Muralidhar asked the police officer present in the court room if he had watched the video clips. Police officer said he had seen two videos but not of Kapil Mishra. Justice Muralidhar then ordered the video clip of Kapil Mishra’s address to be played in the court.⁵³⁴
- The Delhi High Court appointed Advocate Zubeda Begum as amicus curiae to coordinate with victims and ensure implementation of orders.⁵³⁵

⁵³⁰ Chakravarthy, I. & Yamunan, S. (2020). 24 hours inside Delhi locality: How violent mobs burnt school, mosque, madrasa, protest site. *Scroll*. Retrieved from <https://scroll.in/article/954450/24-hours-inside-delhi-locality-how-violence-consumed-school-mosque-madrassa-protest-site> [17 July 2020].

⁵³¹ The Hindu Net Desk. (26 February 2020). Delhi violence days 4 updates. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-day-4-live-updates/article30919537.ece?homepage=true> [24 July 2020].

⁵³² Delhi Minorities Commission. (July 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

⁵³³ Outlook Web Bureau. (26 February 2020). Can’t let another 1984 happen in country: HC on Delhi communal riots. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-cant-let-another-1984-happen-in-country-delhi-hc-on-communal-riots/347889#:~:text=The%20Delhi%20High%20Court%20on,cop%20and%20an%20IG%20employee.> [24 July 2020].

⁵³⁴ Banka, R. (26 February 2020). At court hearing on Delhi violence, judges play Kapil Mishra video clip. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/at-high-court-hearing-on-delhi-violence-judges-play-kapil-mishra-video-clip/story-tBWUZecg8HkCSPCKjdKmPL.html> [24 July 2020].

⁵³⁵ IANS. (26 February 2020). This is time to show Z security works for everybody: Delhi HC. *Outlook*.

- As per hospital officials, by Wednesday 25 people had died. The reason of death for most of them was from gunshots wound.⁵³⁶
- Naresh Gujral in his letter to the police commissioner of Delhi described his acquaintances reaching out to him from Maujpur, in North East district of Delhi.

At 11:30 pm Wednesday he received desperate call from an acquaintance that was trapped near Gonda Chowk in Majupur along with 15 other people.⁵³⁷ His acquaintances mentioned that mob was trying to enter their homes in the middle of the night. Despite calling on 100 helpline and lodging complaint, there was no action taken by the police.

- The death toll in northeast Delhi communal clash rose to 27 by Wednesday.⁵³⁸
- The Supreme Court deferred hearing on petitions to get the Shaheen Bagh site cleared of protesters to March 23, 2020.⁵³⁹ The court said, it's "time for all parties to lower temperatures" further saying "We have seen the report of the interlocutors (senior advocate Sanjay Hegde and advocate Sadhana Ramachandran). We don't want to discuss it here. We want to defer it. The environment is not conducive...let the police and the system work."⁵⁴⁰
- During the Congress Working Committee meeting the Congress leaders decided to march to Rashtrapati Bhavan to seek normalcy and peace in Delhi and also submit a memorandum to President Ram Nath Kovind.⁵⁴¹
- After the Congress Working Committee meeting, Congress interim president Ms. Sonia Gandhi addressed a press conference where she demanded resignation of Union Home

Retrieved from <https://www.outlookindia.com/newscroll/this-is-time-to-show-z-security-works-for-everybody-delhi-hc/1745151> [24 July 2020].

⁵³⁶ Gettleman, J. Raj, S. & Yasir, S. (26 February 2020). The roots of the Delhi riots: A fiery speech and an ultimatum. *The New York Times*. Retrieved from <https://www.nytimes.com/2020/02/26/world/asia/delhi-riots-kapil-mishra.html> [24 July 2020].

⁵³⁷ India Today Web Desk. (27 February 2020). MP Naresh Gujral claims Delhi Police failed to rescue people trapped in riot-affected Maujpur despite his complaint. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/mp-naresh-gujral-claims-delhi-police-failed-to-rescue-people-trapped-in-riot-affected-maujpur-despite-his-complaint-1650590-2020-02-27> [24 July 2020].

⁵³⁸ The Hindu Net Desk. (26 February 2020). Delhi violence days 4 updates. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-day-4-live-updates/article30919537.ece> [24 July 2020].

⁵³⁹ The Wire Staff. (26 February 2020). SC defers Shaheen Bagh hearing to March 23, criticises Delhi Police over handling of violence. *The Wire*. Retrieved from <https://thewire.in/law/supreme-court-shaheen-bagh-hearing> [24 July 2020].

⁵⁴⁰ *Ibid.*

⁵⁴¹ The Hindu Net Desk. (26 February 2020). Delhi violence days 4 updates. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/delhi-violence-day-4-live-updates/article30919537.ece> [24 July 2020].

Minister Amit Shah over the violence in Delhi and termed it as a 'preplanned conspiracy'.⁵⁴²

- CPI (M) general secretary Sitaram Yechury said the violence in Delhi is a "chilling reminder" of the 2002 Gujarat riots.⁵⁴³
- Sit in protest at Khureji Khas against Citizen Amendment in Northeast Delhi cleared by Delhi Police.⁵⁴⁴
- At 1:51 pm Prime Minister Narendra Modi issues statement on Twitter that he had an extensive review of the situation. He appealed for peace and harmony and said normalcy must be restored at the earliest.⁵⁴⁵
- UN chief Anonio Guterres's spokesperson Stephane Dujarric said that the UN Chief was closely following the situation in New Delhi and said that demonstrators should be allowed to protest peacefully and security forces should show restraint.⁵⁴⁶
- At 5 pm All India Congress Committee General Secretary Priyanka Gandhi along with senior Congress leaders led a peace march from AICC headquarters to Gandhi Smriti to protest against Delhi violence. But they were stopped by police before reaching Gandhi Smriti.⁵⁴⁷
- At 6:14 pm US embassy issued a security advisory for its citizens in India. The advisory was classified as security alert in which it said to its citizens to exercise caution in light of violent demonstrations in North East Delhi and monitor local media outlets for updates on demonstrations, metro closures and possible curfews. The advisory also

⁵⁴² Pandey, N. (26 February 2020). Sonia Gandhi demands Amit Shah's resignation, BJP says she's 'politicising' Delhi riots. *The Print*. Retrieved from <https://theprint.in/politics/sonia-gandhi-demands-amit-shahs-resignation-bjp-says-shes-politicising-delhi-riots/371470/> [24 July 2020].

⁵⁴³ Press Trust of India. (26 February 2020). Delhi violence 'chilling reminder' of 2002 Gujarat riots: CPI(M) general secretary Sitaram Yechury. *Deccan Herald*. Retrieved from <https://www.deccanherald.com/national/national-politics/delhi-violence-chilling-reminder-of-2002-gujarat-riots-cpim-general-secretary-sitaram-yechury-808350.html> [24 July 2020].

⁵⁴⁴ The Quint. (26 February 2020). Delhi Violence: Anti-CAA protest at Khureji Khas cleared by police. Retrieved from <https://www.thequint.com/news/india/delhi-violence-protest-site-at-khureji-khas-cleared-by-police-anti-caa> [24 July 2020].

⁵⁴⁵ The Quint. (26 February 2020). Modi Breaks silence on Delhi violence, appeals for peace & harmony. Retrieved from <https://www.thequint.com/news/politics/pm-modi-breaks-silence-on-northeast-delhi-violence> [24 July 2020].

⁵⁴⁶ Press Trust of India. (26 February 2020). UN chief closely following situation in Delhi: spokesperson. Retrieved from http://www.ptinews.com/news/11254351_UN-chief-closely-following-situation-in-Delhi--spokesperson[24 July 2020].

⁵⁴⁷ PTI. (26 February 2020). Congress takes out peace march against Delhi violence. *The Week*. Retrieved from <https://www.theweek.in/news/india/2020/02/26/congress-takes-out-peace-march-against-delhi-violence.html>[24 July 2020].

mentioned about imposition of Section 144 which prohibits political gathering of four or more people in certain areas.⁵⁴⁸

- At 7 pm it was announced Delhi Chief Minister would visit some of the riot-affected areas in the capital.⁵⁴⁹
- Around 8 pm on Wednesday, Mohammad Irfan, a tailor who lived in Ghonda, went to fetch milk for his children when barely 100 metres from his home, a group pounced on him and beat him to death.⁵⁵⁰
- Arvind Kejriwal, along with Manish Sisodia and AAP Rajya Sabha MP Sanjay Singh, held a meeting with the DCP (Northeast) and other senior police officers to get an update about the situation in the violence-stricken areas.⁵⁵¹
- Chief Minister Arvind Kejriwal along with Deputy Chief Minister Manish Sisodia and AAP leader Gopal Rai visited Shiv Vihar and talked with area residents about the situation on Wednesday evening.⁵⁵²
- Delhi Police released two new helpline numbers 011-22829334 and 22829335 with people in north east Delhi.⁵⁵³
- A senior police officer on Wednesday said that the Delhi Police had arrested 106 people for their alleged involvement in North-East Delhi violence and had registered 18 FIRs.⁵⁵⁴
- Wednesday night the Law Ministry issued a notification dated February 26, 2020, of Justice Muralidhar's transfer from the Delhi High Court to Punjab and Haryana High Court.⁵⁵⁵

⁵⁴⁸ Roy, S. (27 February 2020). Delhi violence: US embassy issues advisory for its citizens. *The Indian Express*. Retrieved from <https://indianexpress.com/article/india/delhi-violence-us-embassy-issues-advisory-for-its-citizens-6288508/> [24 July 2020].

⁵⁴⁹ Express News Service. (27 February 2020). Delhi CM Kejriwal heads to riot-hit Shiv Vihar to take stock of situation. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-cm-kejriwal-heads-to-riot-hit-shiv-vihar-to-take-stock-of-situation-6288386/> [24 July 2020].

⁵⁵⁰ Lalwani, V. & Kohli, K. (28 February 2020). Divided city: How barricades came up overnight between Hindu and Muslim neighbourhoods in Delhi. *Scroll*. Retrieved from <https://scroll.in/article/954574/divided-city-how-barricades-came-up-overnight-between-hindu-and-muslim-neighbourhoods-in-delhi> [24 July 2020].

⁵⁵¹ *Ibid.*

⁵⁵² *Ibid.*

⁵⁵³ India Today Web Desk. (26 February 2020). Delhi violence: Police share 2 fresh helpline numbers for riot-torn areas. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-police-shares-two-fresh-helpline-numbers-for-riot-torn-areas-1650311-2020-02-26> [24 July 2020].

⁵⁵⁴ Press Trust of India. (26 February 2020). 106 arrested for Delhi violence, 18 FIRs registered: Police. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/106-arrested-for-delhi-violence-18-firs-registered-police/1745413> [24 July 2020].

- Vijayta Lalwani in her article in Scroll talks about a 18 year old boy who was arrested by police on April 12, 2020 from Janata Colony in Babarpur and later sent to Tihar Jail.⁵⁵⁶

The boy's brother Arif told Vijayta, Scroll's reporter that his brother used to go to the protest. A Crime Branch Officer, Krishna Kumar told Arif that he would come on 13th April and would take his brother for verification. Instead two police officials came to his house on 12th April, took names of two people asked him if he knew them, even though his brother said he did not know them they took his brother and told Arif to come to Welcome police station.

On reaching Welcome police station, Arif was told that his brother was not there and returned to his home. On 13th April at 11 am he received a call from Jaffrabad police station and was told to bring his brother's Aadhar card along with his school marksheet. When he asked why his brother was arrested, he was told that he was involved in pelting stones during NRC protest. Police even showed him a video footage from 24 February and they paused the video to show, zoomed on a young man who Arif said looked like his brother. The police even said they have more such videos but did not show them. Later an officer told Arif to take him to his brother's school, there the police talked in private to the school principal and later took his brother for a medical check-up in a van. He was told to sign two blank sheet by Crime branch officer. After two days Arif was told to bring his brother's clothes which he was wearing on 24 February along with his mobile phone.

On 16 April, Arif was told by Investigating Officer Naresh Tomar of Jaffradabad Police Station that his brother was taken to Tihar Jail. But Arif was not given the FIR under which his brother had been arrested instead he was given three FIR numbers. The Scroll team could not locate FIR online on Delhi Police website using those three numbers. Arif finally was given one FIR of the three from Crime Branch office at RK Puram. The FIR was filed on 26 February at Jaffrabad Police Station on the basis of a complaint by sub inspector Pankaj Kumar.

Details of the FIR

In his FIR Pankaj Kumar claimed that while he was patrolling 66 Futa Road in Jaffrabad around 4 pm on February 25, a mob armed with sticks, iron rods, bricks, stones and bottles gathered and raised slogans against the Citizenship Act, despite repeated

⁵⁵⁵ The Wire Staff. (27 February 2020). HC Judge who pulled up Delhi oolice over riots shunted out by Modi Govt. *The Wire*. Retrieved from <https://thewire.in/law/modi-government-wastes-no-time-moving-justice-muralidhar-out-of-delhi-high-court> [24 July 2020].

⁵⁵⁶ Lalwani, V. (24 May 2020). 'Got your azaadi?': Investigation into Delhi violence sparks concerns about bias against Muslims. *Scroll*. Retrieved from <https://scroll.in/article/962567/got-your-azaadi-investigation-into-delhi-violence-sparks-concerns-about-bias-against-muslims>[24 July 2020].

appeals by the police to disperse. The mob pelted stones on police vans, forcing the police to fire tear gas shells and use mild force, he said. The crowd even fired bullets, leaving several policemen and civilians injured. The offences made under the FIR range from rioting, obstructing a public servant from discharging their duties using assault or criminal force, attempt to murder, being party to a criminal conspiracy, apart from sections of the Arms Act.

Although the FIR did not identify any accused people, but Pankaj Kumar said he will be able to identify members of the crowd if they were brought in front of him. The case now has been transferred to the Crime Branch.

- Scroll accessed the FIR filed on 26 February by Assistant Sub Inspector Rakesh under Section 302 for punishment of murder of a 48 year old man on February 25.⁵⁵⁷

The man was earlier identified as Pravesh who was brought dead to GTB Hospital in Dilshad Garden, the medico-legal certificate mentioned that he suffered from firearm injury near Baburam Chowk, Maujpur at around 7pm. The FIR was not available on the police website and did not mention any name of the accused.

Later Inspector Richhpal Singh told Scroll that the person earlier identified as Pravesh was Parvez Alam. He was a 50 year old man who ran an NGO.

On 27 February when Scroll visited area where Parvez lived and spoke to people in his neighbourhood they said that Parvez fell to a bullet at the corner of his lane in Ghonda unlike what the police claims that he suffered injury near Baburam Chowk which is 500 meters way from the lane where he lived.

In this case the police have arrested 16 people including brothers of Subhash Tyagi. The family of Subhash Tyagi has not been able to meet or speak to his brothers since 9 April the day when they were arrested and taken to Mandaoli Jail.

- On 26 February FIR was registered against AAP councillor Tahir Hussain from Nehru Vihar. Tahir Hussain was alleged to be involved in the killing of Intelligence Bureau staffer Ankit Sharma.⁵⁵⁸

The FIR was lodged on the basis of complaint filed by Ankit Sharma's father who accused Tahir of murdering his son. The complaint states Ankit's father saying, "I fully

⁵⁵⁷ Lalwani, V. (23 May 2020). In Delhi violence investigation, a disturbing pattern: Victims end up being prosecuted by police. *Scroll*. Retrieved from <https://scroll.in/article/962526/in-delhi-violence-investigation-a-disturbing-pattern-victims-end-up-being-arrested-by-police> [24 July 2020].

⁵⁵⁸ Saikia, A., & Lalwani, V. (29 February 2020). What exactly happened in Delhi locality where AAP councillor stands accused of IB staffer's murder?. *Scroll*. Retrieved from <https://scroll.in/article/954676/what-exactly-happened-in-delhi-locality-where-aap-councillor-stands-accused-of-ib-staffers-murder> [24 July 2020].

believe that Tahir Hussain and the people assembled at his office killed my son and dumped his body in the drain from the masjid”.

According to the FIR, Ankit Sharma’s body had several stab injuries and it states that there was an attempt to make him unidentifiable as several parts of his body were burnt.

3.6 Immediate Aftermath

- On 27 February the Delhi police transferred the investigation of Northeast Delhi violence to the crime branch and two Special Investigation Team (SIT) were set up. The team would be headed by Deputy Commissioner of Police (DCP) Joy Tirkey and Rajesh Deo.⁵⁵⁹
- By February 28 the death toll reached to 42, with every one out of three victim having sustained bullet injuries
- On 28 February Arvind Kejriwal said that Delhi government had set up 9 night shelter for riot affected victims and would start distributing Rs. 25,000 as immediate relief from 29 February onwards.⁵⁶⁰
- S.N Shrivastava, Special commissioner (Law and Oder) was given the additional charge of the post of Commissioner of Police.⁵⁶¹
- On February 28, Delhi Lieutenant Governor Anil Bajjal visited Maujpur, Jaffrabad and Gokulpuri area of North-East Delhi and interacted with the locals. He said, “I have come here to see myself how things are on ground”.⁵⁶²

⁵⁵⁹ Express Web Desk. (28 February 2020). Delhi violence highlights: SIT to probe violence, death toll now at 38. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-live-updates-death-toll-maujpur-babarpur-kabirnagar-6287058/> [24 July 2020].

⁵⁶⁰ Press Trust of India. (28 February 2020). Delhi govt sets up 9 shelter for riot-hit people:Kejriwal. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/delhi-govt-sets-up-9-shelters-for-riothit-people-kejriwal/1747461> [24 July 2020].

⁵⁶¹ Express Web Desk. (28 February 2020). Delhi violence: Total 123 FIR registered, 630 people arrested. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-live-updates-death-toll-injured-police-maujpur-babarpur-kabirnagar-6290494/> [24 July 2020].

⁵⁶² Press Trust of India. (28 February 2020). Delhi Lt Governor Anil Bajjal visits violence-hit areas after riots, takes stock of situation. *The New Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/feb/28/delhi-lt-governor-anil-bajjal-visits-violence-hit-areas-after-riots-takes-stock-of-situation-2109818.html#:~:text=NEW%20DELHI%3A%20Lieutenant%20Governor%20Anil,visited%20Maujpur%2C%20Jaffrabad%20and%20Gokulpuri.&text=At%20least%2043%20have%20been,communal%20clashes%20in%20northeast%20Delhi.> [24 July 2020].

- On March 2, Supreme Court agreed to hear plea filed by riot victim seeking lodging of FIR against politicians and others for their hate speeches which allegedly led to Delhi violence.⁵⁶³
- On March 2, Delhi High Court asked police to file status report on steps taken for medical treatment and rehabilitation of violence-affected people in northeast Delhi.⁵⁶⁴
- On March 3, Deputy Chief Minister Manish Sisodia visited Shiv Vihar and nearby areas.⁵⁶⁵
- On March 3, Delhi Assembly constitutes a 'Peace and Harmony Committee' with Saurabh Bharadwaj as the chairman of the committee.⁵⁶⁶
- Kailash Gahlot, Delhi Transport Minister, visited Ashok Nagar and Maujpur areas in Shahdara district and instructed authorities to speed up the process of verification of claims and ensure that all claims settled within the next two days.⁵⁶⁷
- Rajendra Pal Gautam, Minister for Social Welfare in Delhi government visited Ganga Vihar and Ashok Nagar mosques in Gokulpuri, and said that rioters had selectively targeted homes and shops.⁵⁶⁸
- Imran Hussain, Minister of Food and Civil Supplies in Delhi government went to Shiv Vihar, Mustafabad, Bhajanpura, and Chand Bagh to check the functioning of fair price shops, along with the Commissioner, Food and Civil Supplies (CFS) and other senior and field officers of the department.⁵⁶⁹

⁵⁶³ Press Trust of India. (02 March 2020). Delhi violence: SC to hear on March 4 plea for lodging FIRs over hate speeches. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/delhi-violence-sc-to-hear-on-march-4-plea-for-lodging-firs-over-hate-speeches/articleshow/74435088.cms> [24 July 2020].

⁵⁶⁴ *Ibid.*

⁵⁶⁵ Express News Service. (04 March 2020). Delhi: Sisodia visits riot-hit areas, says officers keeping eye on ground. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-sisodia-visits-riot-hit-areas-says-officers-keeping-eye-on-ground-6298055/> [24 July 2020].

⁵⁶⁶ Goswami, S. (03 March 2020). Delhi assembly sets up peacekeeping committee. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/delhi-assembly-sets-up-peacekeeping-committee/story-lBhmAWqp0tDZ4jaopFP0TM.html> [24 July 2020].

⁵⁶⁷ Bhatnagar, V.G. (04 March 2020). Delhi riots: Government sets up camps, starts processing compensation claims. *The Wire*. Retrieved from <https://thewire.in/government/delhi-riots-government-relief-camps-compensation> [24 July 2020].

⁵⁶⁸ Express News Service. (04 March 2020). Delhi ministers take stock of riot-hit areas; help desks, relief camps set up. *The News Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/mar/04/delhi-ministers-take-stock-of-riot-hit-areas-help-desks-relief-camps-set-up-2111895.html> [24 July 2020].

⁵⁶⁹ *Ibid.*

- On March 4, Congress delegation led by Rahul Gandhi visited Delhi's riot-affected area of Chand Bagh, Bhajanpura, Mustafabad and Brijpuri and also met the victims.⁵⁷⁰
- Rahul Gandhi also visited the Brijpuri School and said. "This school was the future of India. Violence and hate have destroyed it; nobody gained from it. Violence harms India and Bharat Mata. Attempts are being made to divide India. When violence takes place in the national capital, it affects the country's image. No one is benefitting from this. Everybody has to work together and take India forward at this time".⁵⁷¹
- On March 5, retired Supreme Court judges Kurian Joseph, AK Patnaik and Vikramjit Sen visited Shiv Vihar, Khajoori Khas and the Delhi government's relief camp in Mustafabad's Eidgah to see the extent of damage to personal properties and talk to the victims. They said, "We have only come out of concern and there will be no report prepared by us on this".⁵⁷²
- On March 5, the total death toll in Delhi riots rises to 53. With 44 deaths being reported from Guru Teg Bahadur (GTB) Hospital, 5 deaths from Ram Manohar Lohia (RML) hospital, three from the Lok Nayak (LNJP) hospital and one from the Jag Pravesh Chandra Hospital.⁵⁷³
- On March 9, fact-finding committee of the Congress submitted a report on the Delhi violence to party President Sonia Gandhi.⁵⁷⁴
- On July 13 Delhi police submitted an affidavit to the Delhi High Court providing details of the communal violence in Delhi.⁵⁷⁵

The affidavit submitted mentions 75% civilians killed were Muslims which is 40 out of 53, while the remaining 15%, which is 13 people were Hindus (including the death of head constable Ratan Lal, who died of gunshot wounds)

⁵⁷⁰ ET Bureau. (05 March 2020). Rahul Gandhi leads Congress team to riot-hit areas. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/rahul-gandhi-leads-congress-team-to-riot-hit-areas/articleshow/74484926.cms> [24 July 2020].

⁵⁷¹ ET Bureau. (05 March 2020). Rahul Gandhi leads Congress to riot-hit areas. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/rahul-gandhi-leads-congress-team-to-riot-hit-areas/articleshow/74484926.cms> [24 July 2020].

⁵⁷² HT Correspondent. (05 March 2020). Retired SC judges visit riot-hit localities. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/retired-sc-judges-visit-riot-hit-localities/story-DugQd8UtotK5L6h1sjOJNK.html> [24 July 2020].

⁵⁷³ The Hindu. (05 March 2020). Retrieved from <https://www.thehindu.com/news/national/delhi-violence-death-toll-rises-to-53/article30992113.ece> [24 July 2020].

⁵⁷⁴ PTI. (09 March 2020). Delhi violence: Congress fact-finding committee submits reports to Sonia Gandhi. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/congress-fact-finding-committee-submits-report-to-sonia-gandhi/article31022055.ece> [24 July 2020].

⁵⁷⁵ Varadarajan, S. (16 July 2020). Delhi Police affidavit shows Muslims bore brunt of riots, silent on who targeted them and why. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-police-affidavit-shows-muslims-bore-brunt-of-riots-silent-on-who-targeted-them-and-why> [24 July 2020].

3.7 Property Damage

The three days of violence saw 122 homes, 322 shops, and 301 vehicles being gutted or completely damaged as per an interim report published by the North-East Delhi district administration in early March.⁵⁷⁶ Belt 2 of the North-East Delhi Revenue District (comprising of Yamuna Vihar, Mustafabad, Gokalpuri, Brijpuri, Chand Bagh, and Bhagirathi Vihar) sustained the most damage with 40 houses, 162 shops, and 149 vehicles gutted).⁵⁷⁷ This is in sum more than double of Belt 1 (Shiv Vihar, Johri Puri, Karawal Nagar, Ankur Vihar, Kamal Vihar) and Belt 3 (Bhajanpura, Gamri, Sri Ram Colony, Ghonda, Khajuri Khas, Bharampuri, and Gautampuri) each.⁵⁷⁸ Belt 1 had 174 incidents of property damage (31 houses, 51 shops, and 92 houses) while Belt 2 had 173 incidents of property damage (45 houses, 81 shops, and 47 vehicles).⁵⁷⁹ Belt 4 comprising of Shahdara Revenue District saw 47 instances of property damage (6 houses, 28 shops, and 13 vehicles).⁵⁸⁰

A subsequent affidavit filed by the Delhi Police on 13 July 2020 in the Delhi High Court [in Writ Petition (Crim.) No. 566 of 2020] revealed much higher figures of property destruction and damage, though the victims claim that even these figures are understated. The affidavit disclosed that the February 2020 violence resulted in damage to 185 houses, 468 shops, 761 vehicles, 60 Rehris (hand-carts), 2 Ghoda-Gadis (horse-drawn carts), and 19 places of worship.⁵⁸¹ The Police Affidavit gives a breakup by religion of the dead (40 Muslim, 13 Hindus), and from the names of the 473 civilians injured it can be deduced that they comprised about 282 Muslims, 188 Hindus and 3 of unknown religions.

However, when it comes to property damage, the Affidavit is strangely reticent, perhaps even evasive. Of the 185 houses damaged, the totals at the foot of the relevant columns show 50 Muslim, 14 Hindu, and 0 unknown. But a glance at the figures in the columns reveals that the totals should read 90 Muslim and 14 Hindu, and perhaps the balance 77 houses damaged would also be Muslim homes, as they are situated in Khajuri Khas (54) and Karawal Nagar (23), both of which are Hindu-majority areas where the Muslim

⁵⁷⁶ Dey, A. (03 March 2020). 122 homes, 301 vehicles damaged in Delhi riots, says interim damage report. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/delhi-riots-122-homes-301-vehicles-damaged-in-mayhem/story-yUqXEVoYZ9Ekm0HpZ1SkbL.html> [29 July 2020].

⁵⁷⁷ *Ibid.*

⁵⁷⁸ *Ibid.*

⁵⁷⁹ *Ibid.*

⁵⁸⁰ *Ibid.*

⁵⁸¹ Varadarajan, S. (16 July 2020). Delhi police affidavit shows Muslims bore brunt of Riots, silent on who targeted them and why. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-police-affidavit-shows-muslims-bore-brunt-of-riots-silent-on-who-targeted-them-and-why/> [08 September 2020].

minority suffered the maximum casualties, apart from Dayalpur.⁵⁸²

Similar mis-totalling is found beneath the columns pertaining to shops that were damaged: simply adding the numbers in the columns reveals that 250 Muslims had their shops damaged, while the Hindu figure was 66, with 5 unknowns. But again, the Affidavit does not add 93 shops damaged in Khajuri Khas and 54 in Karawal Nagar, most if not all of which are likely to be Muslim shops.⁵⁸³ Insofar as the 489 damaged 2-wheelers, 99 damaged 3-wheelers, and 173 damaged 4-wheelers (totalling 761, though the Police mathematicians arrived at 747) are concerned, the Affidavit is silent about the community-wise break-up.

Strangely, however, the Affidavit lists damage to 6 mandirs (Hindu temples) and 13 mosques, even though two Right-to-Information Act responses by the Delhi Police just two weeks earlier had disclosed that based on reports of all SHOs/NED in the District, two Hindu places of worship had suffered damage, though they declined to reveal which ones.⁵⁸⁴ The Report pointed out that while the Police's RTI response pegged damage to Muslim places of worship at 8 mosques, 2 madrasas, and 1 Dargah, the Delhi Waqf Board had reported damage to 19 mosques.⁵⁸⁵ Since the Affidavit does not give names or details of the 6 mandirs or 13 mosques, it is difficult to cross-check these figures.

However, in a detailed fact-finding Report dated 27 June 2020 by the Delhi Minorities Commission, a statutory body constituted by the Government of the National Capital Region under the Delhi Minorities Commission Act, 1999, it was reported (with photographic evidence and testimonies) that 17 Muslim places of worship were severely damaged or destroyed, and another 5 had been attacked. On the other hand, the Commission found, and confirmed with the Pujaris and local residents, that Hindu temples in Muslim-majority areas were completely unscathed and intact, and that the Muslim majority populations had kept a strict vigil to ensure their safety; once again, these findings were supported with photographs in the Report.⁵⁸⁶

Details of the damage caused to places of worship, as set out in the Report of the Delhi Minorities Commission, are as follows:

⁵⁸² *Ibid.*

⁵⁸³ *Ibid.*

⁵⁸⁴ Menon.A. & Moizee.S. (29 June 2020). Delhi Riots: 11 Muslim, 2 Hindu Places of Worship Damaged Say Cops. *The Quint*. Retrieved from <https://www.thequint.com/news/india/northeast-delhi-riots-mosques-temples-dargah-damaged-police-rti/> [08 September 2020].

⁵⁸⁵ *Ibid.*

⁵⁸⁶ Delhi Minorities Commission. (27 June 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

3.7.1 Damage caused to religious places

- Chand Masjid, Ashok Nagar

The masjid was built in 1983. On 25 February 2020, a group of 10-12 young boys came but they were driven out by the people of the locality. They again returned at 3pm with a mob of 100-150 people, broke the gate of the masjid (mosque) after looting and damaging, they pillaged things such as air conditioners, books sound system etc. and set the masjid on fire using petrol bombs. Around 80% of the ground floor of the masjid was damaged and the estimated damage caused is around 5 lakhs.⁵⁸⁷

- Masjid Furqania and Madarsa Jamiatul Huda Madrasa, Brijpuri

The masjid is around 20 year old with an adjoining madrasa and is located in Brijpuri. The masjid was attacked on 25 February by a mob at 6pm. The mob tried getting inside the madrasa but couldn't as it was locked. Again on 26 February, at around 6:30-7 am the mob broke the locks and entered the mosque destroying CCTVS and LLDs, even police force in uniform entered the masjid in their uniforms wielding batons.⁵⁸⁸ Three survivors who witnessed the incident told to Caravan they identified attackers as "force" or "policewaale" – policemen.⁵⁸⁹ The masjid was torched using some chemical spray and the damage is estimated to be around 50 Lakh rupees.⁵⁹⁰

- Jannati Masjid - Gokulpuri, A-Block with Madrasatul Uloom Madrasa - Gokulpuri

The masjid was built in 1978 and has an adjoining Madrasa (Islamic seminaries). The masjid was torched on the evening of 25 February and the smoke could still be seen coming out from the minarets on 26 February. On the same day gas cylinders were thrown inside and more than two CNG cylinders were blown inside the masjid. The estimated cost of the loss and damage is of more than 1.5 crore rupees.

- Fatima Masjid, Khajuri Khas and Madarsa Mahmudia, C-429/29, Khajuri Khas

The foundation of the masjid along with an adjoining madrasa was laid in 2006-07 located in Gali (lane) number 29 in Khajuri Khas. The masjid was torched on 25 February⁵⁹¹ by the mobs using Molotov cocktails after breaking the gate of the masjid

⁵⁸⁷ *Ibid.*

⁵⁸⁸ *Ibid.*

⁵⁸⁹ Shroff, K. (11 March 2020). Men in uniform torched Mustafabad's Farooqia Masjid, assaulted people inside: Locals. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/men-in-uniform-torched-mustafabads-farooqia-masjid-assaulted-people-inside-locals> [24 July 2020].

⁵⁹⁰ Delhi Minorities Commission. (July 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

⁵⁹¹ Bhardwaj, A. (29 February 2020). Delhi's NarodaPatiya: Timeline of how Fatima Masjid was set on fire in Khajuri Khas. *Asiaville*. Retrieved from <https://www.asiavillenews.com/article/delhi-how-fatima-masjid-set-on-fire-in-khajuri-khas-33562> [24 July 2020].

and pelting stones on the masjid. Even gas cylinders were thrown inside and set on fire. The madrasa along with students' hostel were also damaged. Around 2 lakh rupees were looted by mobs with an estimated damage of 15 lakh rupees.⁵⁹²

- Masjid & Madrasa Abdullah Bukhari, Tyre Market, Gokulpuri

The masjid was built in 2001 and is situated in the tyre market in Gokulpuri. The market was attacked by mob on 24 February and kept burning from 24 to 26 February. The masjid was burnt and everything inside as well was charred. The estimated damaged is around 7-8lakh rupees.⁵⁹³

- Masjid Umar Farooq, Ghonda Chowk, North Ghonda,

The masjid was built in 2015 and is the only masjid in the market. The structure looked more like a house without any minarets. The masjid was pelted by stones and gas cylinders and petrol bombs were thrown inside, the time of the attack is not known. The floor, walls and ceiling has been completely destroyed and the estimated damage is of Rs. 3 lakh.⁵⁹⁴

- Madina Masjid, Shiv Vihar

The masjid is 25 years old. The attack on masjid happened on 25 February breaking the lock. The mob was fully equipped to set the masjid ablaze using gas cylinders, petrol bombs, acids and cylinders. The interior of the masjid including the minarets have been damaged and the estimated cost of damage is Rs. 40 lakh rupees.⁵⁹⁵

- Auliya Masjid, Shiv Vihar

The masjid was built in 2007 and also houses a madrasa for the students. The masjid was attacked on 25 February by people in police uniform wearing slippers and helmets. After breaking the locks the interior of the masjid was destroyed using cylinders that were used to blast the structure. Along with masjid the madrasa was also destroyed, the estimated damage is of Rs 15-20 lakhs.⁵⁹⁶

- Tayyaba Masjid, Shiv Vihar

The masjid was built in 1992 and even serves as a madrasa for children. On 25 February the mob started pelting stones on the mosque, looted Rs. 1.5 lakh and later threw CNG cylinders inside the masjid putting it on fire. The masjid had been heavily damaged

⁵⁹² Delhi Minorities Commission. (July 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

⁵⁹³ *Ibid.*

⁵⁹⁴ *Ibid.*

⁵⁹⁵ *Ibid.*

⁵⁹⁶ *Ibid.*

with tiles and walls broken and books burnt. The estimated damage of the mosque is at Rs. 6.5 lakh.⁵⁹⁷

- Allah Waali Masjid, Bhagat Singh Colony, Karawal Nagar

The four storied masjid was attacked by mob on 24 February. The mob of 200-250 people looted whatever they could and then torched the masjid along with 100 copies of Quran.⁵⁹⁸

- Masjid Maula Baksh and Madrasa Tayyibul Uloom, Ashok Nagar

The masjid was built in 1974 and Hakimul Islam Qari Mohammed Tayyab Sahab of Darul Uloom Deoband laid its foundation which makes the structure historical. The masjid also served as a madrasa and guesthouse for the community members. On 25 February the masjid was attacked and managed to torch the masjid using petrol. The estimated damage is at Rs. 50 lakh.⁵⁹⁹

- Mina Masjid Bhagirathi Vihar, near Mustafabad

The masjid was attacked on 24 February⁶⁰⁰ and burned using Molotov cocktails⁶⁰¹.

- Umar Masjid Lal Bagh Mandi, Shiv Vihar
- Milan Garden Masjid Karawal Nagar, near Mustafabad
- Azizia Masjid Gaonri village, Ghonda
- Umar Masjid Lal Bagh Mandi, Shiv Vihar
- Mubarak Masjid Garhi Mendu near Khajuri

The masjid was attacked on 24 February by a group of young men just before the evening prayer was going to start.⁶⁰²

- Madarsa Mahmoodia Khajuri Khas, Delhi 110093

⁵⁹⁷ *Ibid.*

⁵⁹⁸ *Ibid.*

⁵⁹⁹ *Ibid.*

⁶⁰⁰ Khan, F., Grewal, K., Pandey, S., & Agrawal, S. (26 February 2020). 'Never felt unsafe, now I'm scared' — Northeast Delhi residents pack bags for safer places. *The Print*. Retrieved from <https://theprint.in/india/never-felt-unsafe-now-im-scared-northeast-delhi-residents-pack-bags-for-safer-places/371820/> [24 July 2020].

⁶⁰¹ Mahaprashasta, A.A. (27 February 2020). Ground Report: In Mustafabad, Delhi riots sow seeds of distrust between Hindus and Muslims. *The Wire*. Retrieved from <https://thewire.in/communalism/mustafabad-delhi-riots-ground-report> [24 July 2020].

⁶⁰² Puri, A. (13 March 202). Break in India: How Muslims' businesses built over years were destroyed in a day. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-muslims-violence-businesses> [24 July 2020].

Darghas

- Sayyed Chand Baba Mazar, Dayalpur Thana, Karawal Nagar, Bhajanpura

The 40 year old mazar⁶⁰³ was burned down using petrol and petrol bombs. More than 90 percent of the structure was damaged with an estimated loss of 3 lakh rupees.⁶⁰⁴

Graveyards

- Qabristan (Graveyard) at Jyoti Colony

The mob broke the boundary walls of the graveyard; graves were put on fire, set of gates were stolen and properties were on the graveyard were burned.⁶⁰⁵

3.8 Post-Violence Testimonies

The aftermath of every riot scene is filled with charred vehicles, damaged structures, looted shops and large scale vandalism. The areas that witnessed Delhi riots saw similar scenes. According to a report by *The Wire*, the affidavit made by Delhi Police and submitted to Delhi High Court shows that Muslims have suffered much greater losses, but despite this the police have undercounted the extent of their damage.⁶⁰⁶

The police have reported a total of 185 houses damaged. Out of 185, 14 were Hindu households and 50 were Muslim households and rests remain unidentified. This shows that 27% of the houses damaged were of Muslims. The report further mentions that if the area wise breakup is added then Muslim household rises to 90 making the percentage share of Muslim households damaged to 48.6%. The report has discussed that the police have not included the count of Muslim households situated in Khajuri Khas where around 54 houses were destroyed and Karawal Nagar where 23 Muslim houses were destroyed. The unknowns account for 41.6% and if it is assumed the bulk of these 41.6% houses were of Muslims then 85-90% of the houses burnt were of Muslims.⁶⁰⁷

Similar pattern of undercounting is evident in the damage of shops as well. The affidavit shows 14% of shops damaged belonged to Hindus and 53.4% belonged to Muslims. But there is no religion wise breakup done for areas of Khajuri Khas and Karawal Nagar, if it is assumed that the percentage of unknowns are Muslims located in these two areas then 80-

⁶⁰³ Delhi Minorities Commission. (July 2020). Report of the Fact-Finding Committee on the North-East Delhi riots of February 2020. Retrieved from <https://ia801508.us.archive.org/6/items/DMC-delhi-riots-fact-finding-2020/Delhi-riots-Fact-Finding-2020.pdf> [24 July 2020].

⁶⁰⁴ *Ibid*

⁶⁰⁵ *Ibid*.

⁶⁰⁶ Varadarajan, S. (16 July 2020). Delhi Police affidavit shows Muslims bore brunt of riots, silent on who targeted them and why. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-police-affidavit-shows-muslims-bore-brunt-of-riots-silent-on-who-targeted-them-and-why> [24 July 2020].

⁶⁰⁷ *Ibid*.

85% of the shops attacked were of Muslims.⁶⁰⁸

Sambreen, a 22 year old woman living in Chand Bagh, said after 27 February, Friday the shops started opening and most of the items were either out of stock or they were being sold at high prices.⁶⁰⁹

Neelam Divakar, another resident of Chand Bagh said, "Everything is expensive after riots, since shops were gutted and stores of goods were destroyed everything is very expensive here. The shopkeepers and vegetable vendors are bleeding us out in this time of crisis".⁶¹⁰

Najma, 30 year old woman resident of Chand Bagh said that since the day the riot started the shops in the locality ran out of milk. She further said that "The men in the house worry about riots; we have to worry about what to feed the children". She added that even the gas lines were disrupted and there was no cooking gas available for three days.⁶¹¹

Sakeena, a resident of Northeast Delhi, who has a family of five people said "Police tell us that the violence is over. But our battles have not ended. Potatoes being sold for Rs 20/kg in other areas are being sold for Rs 50/kg here. Some shops are selling milk at Rs 100 a pouch. Our families are daily wagers; now there are no wages and essential items have become more expensive. We will have to rely on donations for a while".⁶¹²

Khadija Khatun had been living in a rented house in lane no 18 of Shiv Vihar for the past nine years. She narrated the incidents of February 25, 2020 and how she narrowly escaped along with her children from the clutches of the mob, leaving behind her house, savings and all important documents.⁶¹³

"At around 11pm on that night, a mob came into our lane and started breaking locks and setting houses on fire. With nowhere to escape to, I locked my house on the ground floor and took shelter in the roof along with my family"

The mob was using cylinders to burn down houses and a chunk of the cylinder even hit the son. She further added that, "At night when the mob arrived at her lane, I took them

⁶⁰⁸ *Ibid.*

⁶⁰⁹ Bose, R. (01 March 2020). Beaten, molested and homeless: How women became worst victims of Delhi riots. *News 18*. Retrieved from <https://www.news18.com/news/india/beaten-molested-and-homeless-hindu-or-muslim-women-became-the-undocumented-victims-of-delhi-riots-2520457.html> [24 July 2020].

⁶¹⁰ *Ibid.*

⁶¹¹ *Ibid.*

⁶¹² Bhatnagar, A. (01 March 2020). In riot-hit Delhi areas, long queues for food, ration, many open kitchens to others. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/in-riot-hit-delhi-areas-long-queues-for-food-ration-many-open-kitchens-to-others-6293274/> [24 July 2020].

⁶¹³ Sashikala, V.P. & Chakraborty, P. (07 March 2020). Molested, beaten, and in shock: Women and children recount surviving the Delhi carnage. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/03/07/molested-beaten-and-in-shock-women-and-children-recount-surviving-the-delhi-carnage> [24 July 2020].

to the roof." After hiding on the roof for hours, she along with her family managed to escape by 4am and came to shelter at Chaman Park.

"We took only our lives with us. We could not carry anything else, not even one single document." Khatun's house has been completely burned along with her husband's wielding shop which was also in the same lane; she had been saving for a new house nothing of which is available now.

She added that, "All my identity documents, money and bank papers have been burnt. Saving up, my husband had bought a new auto to deliver his goods, which was his prized possession but even that got burnt."

Mukeem, a middle-aged owner of a furniture store in Khajuri Khas Extension said that he has lost properties worth 1 crore. The building which housed his shop was also his home, both were looted. He said, "My home and warehouse were first looted and then set on fire".⁶¹⁴

Mohammad Azad ran Azad Chicken Shop and his brother had a fruit shop and sweets shop, both of their shops were burnt along with their houses. On assessing the damage to done caused he said, "Crores ka nuksaan hua hai (the loss is worth millions). It was a wholesale business. Rs 8-10 lakh in cash and jewellery was looted... We don't even have clothes left to wear."⁶¹⁵

Mohammed Ajmeri Malik had a footwear showroom in Brijpuri, it was a four storied showroom which also housed his residence. His shop was among the 95shops in the area that were burnt down by the rioting mob. Malik had made his showroom with Nagpur teak which is an expensive wood; the reason behind this was to attract the best groom for his daughter. After losing on his showroom, Malik said, "I am a Haji (who has gone on pilgrimage to Mecca). I am supposed to forgive everyone. I have been brought to the footpath today. My only dream was to have a grand wedding for my daughter... In our community of Maliks, nothing less than a crore fetches a good groom... And I wanted the best for my daughter. That won't be possible now".⁶¹⁶

Faizan Ashrafi had set up his Ashrafi Dawakhana two decades ago on the Chand Bagh main road. His shop was burnt down, while searching for his documents in his burnt shop,

⁶¹⁴ Sharma, N.S. (01 March 2020). A week after Delhi riots, victims stare at an uncertain future. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/a-week-after-delhi-riots-victims-stare-at-an-uncertain-future/articleshow/74419972.cms> [24 July 2020].

⁶¹⁵ Angad, A. (28 February 2020). Taking stock of damage: 'Rioters broke CCTVs, Rs 10 lakh worth of books and stationery gone'. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/northeast-delhi-violence-chand-bagh-shops-6290307/> [24 July 2020].

⁶¹⁶ Venugopal, V. (02 March 2020). Traders live in fear of economic crisis a week after Delhi riots. *The Economic Times*. Retrieved from <https://economictimes.indiatimes.com/news/politics-and-nation/traders-live-in-fear-of-economic-crisis/articleshow/74432448.cms> [24 July 2020].

Faizan told Indian Express that, “The shop had medicines worth Rs 2 crore and Rs 7 lakh in cash.”⁶¹⁷

Rubina, 33 year old woman and resident of Shiv Vihar had managed to escape from her home before the mob’s arrival. She later received a video which showed her home being burnt by the mob. After a week she went back to Shiv Vihar, Gali (lane) number 14 and reached her home which was on the third floor to find that everything clothes and mattresses lay on the floor. Her sewing machine along with her LCD television was vandalized and Quran was torn. Ten thousand rupees that she had kept in a box were missing and twenty thousand rupees that she had safely kept in a trunk in a box bed were also missing.⁶¹⁸

Rubina’s husband works in Pune as a shop assistant and the family’s monthly income is Rs. 10,000 out of which Rs. 5000 is spent on giving rent of the house. Weeping she said, “What was my fault? How will I get my daughters married?”. “We built up everything one at a time. We never fought with Hindus. I called them ‘aunty’, ‘baaji’, I made tea for them. When my husband brought back things to eat, I shared it with them. Everybody knew me as Mullah saab’s daughter.”⁶¹⁹

⁶¹⁷ Angad, A. (28 February 2020). Taking stock of damage: ‘Rioters broke CCTVs, Rs 10 lakh worth of books and stationery gone’. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/northeast-delhi-violence-chand-bagh-shops-6290307/> [24 July 2020].

⁶¹⁸ Chakravarty, I. & Lalwani, V. (03 March 2020). She escaped mobs but could not save her home – and Delhi government was nowhere to offer her shelter. *Scroll*. Retrieved from <https://scroll.in/article/954876/for-days-delhi-government-went-missing-as-riot-hit-families-sought-shelter-and-relief> [24 July 2020].

⁶¹⁹ *Ibid.*

4. ROLE AND RESPONSE OF THE POLICE AND ADMINISTRATION

This chapter examines the police and administrative reactions and responses right from when the seeds of violence started erupting on 23 February, till 26 February 2020 when the violence was finally contained. The police reports state that the police control room had received 21000 distress calls between 22 February 2020 – 29 February 2020 out of which 13000 alone were on 24 and 25 February 2020.⁶²⁰

Questions arose right when the BJP leader Kapil Mishra issued an ultimatum to the Anti-CAA-NRC protestors to vacate the Jaffrabad roads else they will take the matter in their hands in the presence of the deputy commissioner of police of the North East district Ved Prakash.⁶²¹ As Mishra addressed the crowd in full view of television cameras, Prakash stood beside him and made no attempt to either stop him or curb his provocative speech.

On 24 February when violence had already escalated, Dy.C.P. Ved Prakash reportedly walked up to the members of a pro-CAA mob amid chants of “Delhi Police zindabad” and shook hands with them.⁶²² Prakash’s reception by the Hindu mob was not unusual. Every time a police vehicle passed through the armed mob, the mob cheered them—some of them were casually chatting with the police with their sticks and lathis in hand.⁶²³ On the same date around 5 pm Delhi Police personnel reportedly stood by while the right-wing mob brutally beat a passer-by coming from Jaffrabad side till he was bloodied and prone on the ground. Testimonies recorded by the Delhi Minorities Commission in its Fact-Finding Report dated 27 June 2020 also bear this out⁶²⁴

Members of the mob also looted a Muslim establishment in full view of the police. All this through police remained bystanders and was rather accepting tea and snacks from the mob.⁶²⁵ A controversial video made rounds on social media where men in police gear were

⁶²⁰ Singh, K.P. (05 March 2020). At least 102 hit by bullets in north-east Delhi riots: Cops. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/102-people-shot-at-over-13-000-distress-calls-received-in-two-days-of-rioting-police-report/story-gr15IfN9Sn4so5m7Po4ITM.html> [07 July 2020]

⁶²¹ Sagar. (25February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *Caravan* Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu>[07 July 2020].

⁶²² *Ibid.*

⁶²³ *Ibid.*

⁶²⁴ Joy, S. (16 July 2020). Delhi riots were planned and targeted, there was deliberate inaction by police: Report. *Deccan Herald*. Retrieved from <https://www.deccanherald.com/national/north-and-central/delhi-riots-were-planned-and-targeted-there-was-deliberate-inaction-by-police-report-862032.html/> [08 September 2020].

⁶²⁵ Kumar, P. (26March 2020). Delhi Police watched as Hindu mob brutally beat Muslim man, looted shop in Maujpur. *The Caravan*. Retrieved, from <https://caravanmagazine.in/conflict/delhi-violence-riots->

spotted forcing five seriously injured men lying in a heap on the ground and writhing in pain, to sing the National Anthem and Vande Mataram.⁶²⁶ The video, which went viral on 25 February, was shot at Kardampuri the previous day, and revealed the Policemen prodding and beating the injured Muslims with their lathis each time they stopped singing. One of those injured men being tormented by the Policemen, Faizan (24) was then kept in illegal custody by the Police, and released to his family on 27 February, only when his condition sharply deteriorated. He died on 27 February 2020, the cause of death being a gunshot wounds, at the LNJP Hospital.⁶²⁷ Clearly, Faizan was shot before this brutal video was shot by one of the Policemen on February 24, and was corroborated by a long-distance clip shot from a nearby rooftop, which revealed that one of the six Policemen was equipped with Tear Smoke Munitions (TSM), thus making it easy to trace him from the records that have to be maintained each time TSM are issued.⁶²⁸

As the investigations in the riots proceeded, the Police came across Whatsapp groups - "KattarHindut Ekta" (extremist Hindu unity) and "Hindu Ekta Group" (Hindu unity) both created in the early hours of February 25, which were used by a group of Hindu men to coordinate attacks on Muslims.⁶²⁹ Apart from the planning, plotting and gloating about Muslim killings, these Whatsapp groups also reflected how Hindu mobs considered police as one of them, as their allies. Two such messages that reflect police's inaction were:

"Brothers, please don't come out. The police is now here to f**k their a***s," one user said on February 25, 9:15 pm, on the KattarHindut Ekta group.⁶³⁰

On March 3, one user on the "Hindu Ekta Group" referred to the security forces as "fojji bhai- Our brothers in the force". "We must take care of their meals. Since they are only eating at the houses of the Hindus."⁶³¹

The Delhi Police also came under much scrutiny for reportedly chanting 'Jai Shree Ram'

maujpur-muslim-northeast-police-hindu-mob [07 July 2020].

⁶²⁶ Bordia, R. (28 March 2020). Month after video of Delhi Police assault sparked outrage, four survivors have no hope for justice. *Scroll*. Retrieved from <https://scroll.in/article/957517/month-after-video-of-delhi-police-assault-sparked-outrage-four-survivors-have-no-hope-for-justice> [27 July 2020].

⁶²⁷ Lakhani, S. (29 February 2020). Delhi violence: Video showed men being made to sing anthem, one is now dead. *Indian Express*. Retrieved, from <https://indianexpress.com/article/cities/delhi/delhi-violence-video-national-anthem-6291881/> [28 July 2020]

⁶²⁸ The Wire Staff. (08 September 2020). Delhi: Policeman questioned for 'forcing' riot victims to sing National Anthem. *The Wire*. Retrieved from <https://thewire.in/government/delhi-riots-policeman-questioned-viral-video-victims-forced-to-sing-national-anthem/> [10 September 2020].

⁶²⁹ Lalwani, V. & Daniyal, S. (09 July 2020). From planning murder to praising Modi: WhatsApp chats offer a window into the minds of Delhi rioters. *Scroll*. Retrieved from <https://scroll.in/article/966775/from-planning-murder-to-praising-modi-whatsapp-chats-offer-a-window-into-the-minds-of-delhi-rioters> [16 July 2020]

⁶³⁰ *Ibid.*

⁶³¹ *Ibid.*

and charging at Muslim neighbourhoods along with the Hindu mobs,⁶³² and for actively torching properties of Muslims, including Mustafabad's Farooqia Masjid⁶³³ and assisting rioters pelting stones at them.⁶³⁴ Complainants also alleged police's anti-muslimbiastowards them when they had called for help.^{635,636}

The charge sheets that were filed had a section on timeline titled "Chronology Of Events Leading To Riots In North-East, Delhi", which traced the roots of the violence, stretching back to the December 2019' Anti-CAA-NRC protests held at Jamia Millia Islamia university but does not contain BJP leader Kapil Mishra's incendiary speech which was delivered moments before the violence broke out on 23 February.⁶³⁷

There were incidents perpetrated by police within its demarcated chronology that also highlighted malicious intent where the police damaged CCTV cameras both during the violence in Jamia as well as during the Delhi violence. In Jamia, the Police smashed the table, chair and CCTV cameras.⁶³⁸ According to an estimate submitted by the university to the Ministry of Human Resource Development (MHRD), 25 CCTV cameras worth Rs 4.75 lakh were destroyed.⁶³⁹ During the Delhi violence, the police were again caught vandalising CCTV. The video that surfaced on social media on 26 February 2020 shows the police hitting at a white object attached to a pillar outside the Hindustan Petroleum Gas Station at Khureji. An eyewitness on the case of anonymity told *The Quint*, "The police broke the CCTV cameras that we had put up in our shops too. The one in the video was

⁶³² Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *The Caravan*. Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [17 July 2020].

⁶³³ Shroff, K. (11 March 2020). Men in uniform torched Mustafabad's Farooqia Masjid, assaulted people inside: Locals. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/men-in-uniform-torched-mustafabads-farooqia-masjid-assaulted-people-inside-locals> [07 July 2020].

⁶³⁴ The Quint. (26 February 2020). Video Shows Police 'Breaking CCTV' Near Khureji Protest Site. Retrieved, from <https://www.thequint.com/news/india/video-shows-police-breaking-cctv-after-clearing-khureji-protest> [07 July 2020].

⁶³⁵ Singh, P. (23 June 2020). Senior police officers accused in Delhi violence; complainants face intimidation. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/senior-police-officers-accused-in-delhi-violence-complainants-face-intimidation> [28 July 2020].

⁶³⁶ Haidar, S. (01 March 2020). Delhi violence: Looted, burnt out homes offer little welcome to Shiv Vihar's riot victims. *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/delhi-violence-looted-burnt-out-homes-offer-little-welcome-to-shiv-vihars-riot-victims/article30952285.ece> [28 July 2020].

⁶³⁷ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved July from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 June 2020].

⁶³⁸ Shankar. A. & Manral. S. M. (17 February 2020). Day after Jamia assault video, new footage shows personnel breaking CCTV in library. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/day-after-jamia-assault-video-new-footage-shows-personnel-breaking-cctv-in-library/> [19 August 2020].

⁶³⁹ Shankar. A. (27 February 2020). 25 broken CCTVs in Jamia's Rs 2.66-crore damage bill to HRD. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/jamia-violence-police-cctv-hrd-6274992/> [18 August 2020]

put up by the protesters at Khureji.”⁶⁴⁰

This destruction of CCTV cameras is one of the most damning indictments of Delhi Police’s role in the orchestrated violence, as is the apparent failure of the Police to recover crucial CCTV footage from the areas where Muslims were attacked and their properties destroyed. This omission becomes glaring when it is seen that the Police themselves have treated CCTV footages as the most crucial (and sometimes the sole) evidence to identify alleged perpetrators of riots or for initial leads in the investigation. In the case of Dilbar Negi, an employee at Anil Sweet Shop who was killed due to arson in the Brijpuri area on 26 February 2020, the Delhi Police cited the CCTV footage as primary evidence in the chargesheet.⁶⁴¹ As pointed out in one report, numerous Muslim youth have been arrested and charged solely because they were allegedly in the general vicinity holding a stick in their hand, as evidenced by CCTV footage.⁶⁴² Judging by the narrative and “chronology” that has been spun out in FIR 59/2020, it appears that the Police have been reluctant to produce CCTV footage or even to access raw footage from Television Channels, as that would completely demolish the preconceived narrative and conspiracy theory. Indeed, Additional Sessions Judge Dharmendra Rana was moved to comment that the entire probe was targeted towards only one end, and that the entire Case Diary showed that an effort was made not to probe the “other side”.⁶⁴³ This is borne out by the fact that in one glaring incident in Ashok Nagar, where a mob climbed on the top of the mosque [Badi Masjid], broke the finial of the mosque, and placed a saffron flag on the minaret, it was all captured on camera and televised on National channels and also surfaced on social media.⁶⁴⁴ But, Delhi police seem to have completely omitted the incident from their chronology, as they did with numerous other events captured on camera and broadcast throughout the Nation.⁶⁴⁵

On the basis on charge-sheets reported in the news media, there has been no mention of

⁶⁴⁰ The Quint. (26 February 2020). Video Shows Police ‘Breaking CCTV’ Near Khureji Protest Site. *The Quint*. Retrieved from <https://www.thequint.com/news/india/video-shows-police-breaking-cctv-after-clearing-khureji-protest> [19 August 2020].

⁶⁴¹ Nandy, A. (17 June 2020). Delhi Riots: Inside the Charge Sheet on Dilbar Negi’s Killing. *The Quint*. Retrieved from <https://www.thequint.com/news/india/dilbar-negi-burnt-body-found-during-delhi-violence-inside-details-gaps-chargesheet> [17 July 2020].

⁶⁴² Singh, P & John, A. (3 September 2020). Crime and Prejudice --- The BJP and Delhi Police’s Hand in the Delhi Violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/the-bjp-and-delhi-police-hand-in-the-delhi-violence/> [10 September 2020].

⁶⁴³ Staff Reporter. (29 May 2020). Probe targeted only towards one end in riots case, says Delhi Court. *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/probe-targeted-only-towards-one-end-in-riots-case-says-delhi-court/article31699048.ece/> [08 September 2020].

⁶⁴⁴ Barton, N. (25 February 2020). Delhi Riots: Mosque Set on Fire in Ashok Nagar, Hanuman Flag Placed on Minaret. *The Wire*. Retrieved from <https://thewire.in/communalism/delhi-violence-mosque-set-on-fire-in-ashok-vihar-hanuman-flag-placed-on-top> [18 August 2020].

⁶⁴⁵ Menon, A. Iyer, S. A. (30 June 2020). ‘Kaat Do’ Said Ragini Tiwari, ‘Eyewitness’ Saw Her Firing Bullets. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragini-tiwari-hindutva-bjp-muslims> [25 July 2020].

audio-visual evidence implicating individuals in various acts of violence like the destruction and vandalization of mosques, madrassas and dargahs. Similarly, in another video-clip that was broadcast on news channels, a mob can be seen gathered on the terrace of the Mohan Nursing Home in Yamuna Vihar and firing a rifle into the crowd. Given that these have often been broadcasted by television news outlets, there have been no mentions of accessing their archives as a part of the investigative process. This is also borne out, to some extent, by the complete absence of references to such sources of contemporaneous visual evidence in the press releases or statements made by investigating agencies.

4.1 Police Response when the Violence Broke Out

“Aage badho, daro mat, police tumhare saath hai, ek ek ko chunkar zindagi se azadi deni hai” (Proceed forward, don’t fear, the police is with you, pick them one by one and give them freedom from their lives).⁶⁴⁶

ACP Dinesh Sharma, Bhajanpura Police Station, was reported as saying at the Chandbagh protest site on the morning of 24 February 2020 when the protestors’ *pandal* caught in an attack by the masked rioters who were standing next to the police as well as those were at the terrace of Mohan Nursing home. They were throwing petrol bombs and stones at them, after which some 40-50 women ran for their lives into a cement godown.

Sharma was seem to be taking cues from BJP leader Satya Pal Singh, a member of parliament from Uttar Pradesh’s Baghpat constituency who previously served as the commissioner of police in Mumbai for he was heard saying, *“Satpal sansad ji ne jo kaha tha aaj who karke dikhana hai”*,⁶⁴⁷ which the complainant wrote as showing their strength to the protestors. Then Sharma was reportedly asked mobs to proceed and give the protestors freedom from their lives.

Following are more such instances where the cops were being blamed as the very initial perpetrators of violence acting on the directives of BJP leaders like Kapil Mishra, Satya Pal and Kanhiya Lal.

1. Complaint against Kapil Mishra

According to a complainant, the police officers attacked protestors when violence broke out.⁶⁴⁸ The complaint also stated as to how just before the police began their attack, she heard Anuj Kumar- an assistant commissioner of police- assure Mishra over the phone:

“Don’t worry, we will strew the streets with their dead bodies such that it will be remembered for generations”.⁶⁴⁹

⁶⁴⁶ *Ibid.*

⁶⁴⁷ *Ibid.*

⁶⁴⁸ *Ibid.*

Rehmat, another resident of Chand Bagh in her complaint stated:

“At around 4 pm on 23 February, Kapil Mishra came to the site with DCP Ved Prakash Surya and his goons, who were carrying swords, guns, sticks, tridents, spears, and stones, and the police were walking along with them.

2. *BJP leader Jagdish Pradhan, former MLA (Mustafabad)*, ⁶⁵⁰, ⁶⁵¹

This complaint was filed by a resident of Chand Bagh at Dayalpur Police Station on 16 March and a copy of it was received at the Police Commissioner’s Office and Lieutenant Governor’s office on 18 March. The complainant narrated what he witnessed at the Dayalpur Anti-CAA protest site on the morning of 24 February. “*The people on the road had guns, sticks, swords, trishuls, bombs etc and they were chanting slogans like ‘Desh ke gaddaro ko goli maaro saalo ko (shoot the traitors)’ and some police personnel were supporting them*”.

Mentioning about Pradhan’s supporters, he added, “Then along with policemen, some people who used to be seen with Jagdish Pradhan during the elections were walking ahead of the mob. They threw a petrol bomb on the (protest) pandal which caught fire. Then they attacked the women protesters with sticks and swords due to which many elderly women were injured.”

3. *BJP Councillor Kanahiya Lal*^[652] ^[653]

A complaint filed by a resident of Bhagirathi Vihar on 11 March at Gokulpuri police station claims that on 25 February, a mob led by BJP councillor Kanhiya Lal attacked Muslim houses at Bhagirathi Vihar. The complainant alleged that he heard Kanhaiya Lal received a phone call after which he told the mob that “*Jagdish Pradhan’s orders*” were that we “*get rid of Muslims*”. “*They were carrying swords, spears, trishuls, petrol bombs kept inside a black bag and gathered around the Masjid, chanting ‘Jai Shri Ram’, ‘Kapil Mishra Zindabad’ and ‘Jagdish Pradhan Zindabad’*”. He added:

“Kanhaiya Lal (councillor) was talking on the phone and then he said that ‘*Jagdish Pradhan ne bol diya hai ki in ka**o/mullo ko nibta do (Get rid of these Muslims)*’. Then Kaale son of Shiv Charan and Mohit began firing from their pistols. The mob began pelting stones and throwing petrol bombs.”

⁶⁴⁹ *Ibid.*

⁶⁵⁰ Iyer, A. S., & Menon, A. (June 30 2020). Delhi Riots: Several Complaints Name BJP Ex-MLA Jagdish Pradhan. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-riots-jagdish-pradhan-kapil-mishra-bjp-mla-muslims> [26 July 2020]

⁶⁵¹ *Ibid.*

⁶⁵² *Ibid.*

⁶⁵³ *Ibid.*

These complaints were copied to the prime minister's office, the ministry of home affairs, the Delhi lieutenant governor's office and multiple police stations.^{[654][655]} The complaints bore the names of various other BJP leaders like Satya Pal Singh, a member of parliament from Uttar Pradesh's Baghpat constituency who previously served as the commissioner of police in Mumbai; Nand Kishore Gujjar, UP's MLA from Loni; Mohan Singh Bisht, the MLA from Delhi's Karawal Nagar constituency; and Jagdish Pradhan, a former Delhi MLA from the Mustafabad constituency, who was defeated in the assembly elections held weeks before the violence broke out.

BJP leader Mishra's infamous speech acted as a trigger boosted the morale of the frenzied mob, on the afternoon of 23 February he himself was seen brandishing a gun while instigating an armed mob in Kardampuri to unleash violence.⁶⁵⁶

Complainants like Ilyas⁶⁵⁷ have stated as to how on February 23rd the mob went on a rampage and vandalized cars of only those who were either Muslims or Dalits and that too in the presence of police.

Mohammed Ilyas, a resident of Yamuna Vihar, while accusing Mishra of leading the violence in Kardampuri on 23 February in his complaint as filed on 17 March at Eidgah Relief camp he says,

"On the afternoon of 23 February 2020, Kapil Mishra and his accomplices stopped the cars of Muslims and Dalits on Kardampuri road and started destroying them. The police officers stood there and assisted them, after which the atmosphere in the area took a turn for the worse. After this, the DCP Ved Prakash Surya entered different lanes and warned the protestors, 'If you do not end this protest, then there will be such violent riots here that all of you will be killed.'"⁶⁵⁸

Confessions of self-proclaimed rioters reveal the inactions of police as well as an orchestration of the riots.

Ravinder, a 17-year-old young boy who works in his father's property business confessed how on hearing Mishra's call to action against the Muslim community, he and a few others began to mobilise on the morning of 24 February 2020 without any fear of police reprisal:

"There was a clear instruction of catch-and-kill action against any Muslim we could spot. I was in a group of around 15 boys. Many senior brothers said to us

⁶⁵⁴ *Ibid*

⁶⁵⁵ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 July 2020]

⁶⁵⁶ *Ibid*.

⁶⁵⁷ *Ibid*.

⁶⁵⁸ *Ibid*.

that the police would not take any action against any member of our community and we could attack the people on the other side [Muslims] the way we liked".⁶⁵⁹

He gloated about the gory act of capturing and beating a Muslim rickshaw driver in his 40s to death, and throwing him in an open drain while police stood by.

"Abhi to ek hi naam chal raha hai – Jai Shri Ram (there is only one name right now and that is 'Jai Shri Ram' – a religious chant in India)." candidly said a man when asked about his name.⁶⁶⁰

He further proclaimed his involvement in the riots:

"Bahri koi aadmi nahin tha, hum logon ne Maujpur se shuruat ki, Ghonda chowk pe morcha sambhala, Noor-e-Ilahi men mara, Chand Bagh men hamare bhaiyon ne morcha sambhal hi rakhatha (there was no outsider involved in it, we started from Maujpur and then moved to Gonda chowk, thrashed people in Noor-e-Ilahi and our brothers were already holding fort in Chand Bagh)".⁶⁶¹

Amongst all the brutal killings in the riots was the case of the death of 85 year old Akbari who had witnessed the partition but couldn't survive through these riots. On 25th February at noon, police reached 2.5 hours late to the affected area of Gamri extension which is predominantly a Hindu area. A 30-year-old Gamri resident Ismail (name changed) said:

"The police took 2.5 hours to reach our area after the violence started," "They managed to disperse the mob for a while, but the mob was not scared of them. Rather they just went in other lanes and continued attacking homes".⁶⁶²

Ismail, who then gathered all his family's identity documents and left for a relative's house, added:

"All the Muslims have left from there, and the updates we are getting from our Hindu neighbours is that the mobs are still roaming around."

Located in north Ghonda, people from Subhash Mohalla had a similar experience to recall. The Muslim population of Subhash Mohalla is primarily concentrated in its B block.

⁶⁵⁹ Petersen, H. E., & Rahman, S. (16 March 2020). Delhi's Muslims despair of justice after police implicated in riots. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2020/mar/16/delhis-muslims-despair-justice-police-implicated-hindu-riots> [07 July 2020].

⁶⁶⁰ Anwar, T., Jha, M., & Singh, A. (2 March 2020). Delhi Riots: Not Spontaneous, But Crudely Designed? *Newslick*. Retrieved from <https://www.newslick.in/Delhi-Riots-Spontaneous-Crudely-Designed> [26 July 2020]

⁶⁶¹ *Ibid.*

⁶⁶² Johari, A. (03 March 2020). An 85-year-old woman was burnt to death in her home in Delhi's Gamrextension. *Scroll*. Retrieved from <https://scroll.in/article/954422/an-85-year-old-woman-was-burnt-to-death-in-her-home-in-delhis-gamri-extension> [07 July 2020].

According to its residents, on February 25th, the mob tried to enter the block, and burnt shops and homes belonging to Muslims. The residents claimed that they had called the Delhi Police for help, but the police never came, there was no police around despite the ongoing communal violence.

As conveyed by the Delhi Police Commissioner Amulya Patnaik during his meeting with the top officials of the Union Ministry of Home Affairs (MHA), the Delhi Police in fact had informed the MHA on 25th February that they did not have adequate forces to immediately control the violence.⁶⁶³ Around one thousand personnel were deployed in the affected area only later i.e. 25th February.

On 4 March 2020 the report prepared by the Delhi Police mentioned that their control room had in fact received almost 21,000 distress calls between 22-29 February 2020. It says, “On February 24 and 25 alone, when communal violence was at peak in several parts of northeast Delhi, the police control room received over 13,000 riots related calls. The following day, around 6,000 calls were made but a majority of them were panic calls and not of rioting”.⁶⁶⁴ According to a *Firstpost* report, these calls made by the residents were about large gatherings of pro-CAA and anti-CAA groups and incidents of stone-pelting, arson, firing and clashes with police teams on the ground.⁶⁶⁵

Such allegations were being thrown from both the communities that suffered in these riots. The complaints are mutual in terms of police being missing from the scene when the rampage began.⁶⁶⁶ While the Hindu residents said that the police arrived only in the evening of 25 February, the Muslims residents of Mustafabad and Chandbagh reported that security forces aided the marauding crowds which continued their violence till next morning. They also alleged that around 8 am on February 26, the area saw fresh violence. This time, they had claimed, mobs were chanting “Jai Shri Ram” and various other slogans and were being accompanied by the policemen.

There had been various anecdotes where police were not only seen as complacent but

⁶⁶³ India News. (25 February 2020). Delhi Police says shortage of forces lead to spread of violence, deploys 1,000 personnel in riot-hit areas as toll climbs to nine. *FirstPost*. Retrieved from <https://www.firstpost.com/india/delhi-police-says-shortage-of-forces-lead-to-spread-of-violence-deploys-1000-personnel-in-riot-hit-areas-as-toll-climbs-to-nine-8084841.html> [07 July 2020].

⁶⁶⁴ Singh, K. P. (05 March 2020). At least 102 hit by bullets in north-east Delhi riots: Cops. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/102-people-shot-at-over-13-000-distress-calls-received-in-two-days-of-rioting-police-report/story-gr15IfN9Sn4so5m7Po4ITM.html> [07 July 2020].

⁶⁶⁵ Yadav, Y. (14 March 2020). Delhi riots: Received 4,000 distress calls day Trump arrived, probing role of people from UP’s Deoband area, police tells MHA in report. *Firstpost*. Retrieved from <https://www.firstpost.com/india/delhi-riots-received-4000-distress-calls-day-trump-arrived-probing-role-of-people-from-ups-deoband-area-police-tells-mha-in-report-8152271.html> [07 July 2020].

⁶⁶⁶ Chakravarty, I. (03 March 2020). 24 hours inside Delhi locality: How violent mobs burnt school, mosque, madrasa, protest site. *Scroll*. Retrieved from <https://scroll.in/article/954450/24-hours-inside-delhi-locality-how-violence-consumed-school-mosque-madrasa-protest-site> [07 July 2020].

highly prejudiced in their attitude towards Muslims. Sanjida, 32, who owned a bakery in Shiv Vihar that was destroyed by mobs, described how she when she had called the police was taunted by the police for voting in favour of the current Chief Minister of Delhi in February 8th assembly elections. “*You voted for Kejriwal, call Kejriwal for help*”, she was told over the phone.⁶⁶⁷ Others too had similar experiences as to how when they had called the police helpline, they were told: “*You wanted Azadi [freedom], this is it*”.⁶⁶⁸

The Muslim identity of people superseded the professional and so to say a nationalistic identity of people who had served the police personnel for years. Mahmood Khan,⁶⁶⁹ 66, who had worked for Delhi police all his life, had his house raided three times by Hindu mobs. He said no police had responded to his calls, his letter to a senior officer had gone unanswered and the police had also initially refused to let him file a report about the damage.

4.2 Administrative Response

As the violence simmered throughout the three days- 23 to 25 February, the curfew in four parts of north east Delhi was imposed by Delhi police only by the evening of 25 February- Maujpur, Jaffrabad, Chand Bagh and Karawal Nagar.⁶⁷⁰ The shoot-at-sight order was also announced by the evening of 25 February by the Delhi Police Superintendent of Police in Yamuna Vihar area in Delhi.⁶⁷¹

On 27 February, the Kejriwal Government announced various compensation packages that were to be paid to the victims of the violence:⁶⁷²

- Rs 10 lakh to the family of those who lost their lives.
- Rs 5 lakh in case of the deceased person being a minor.
- Rs 2 lakh to those with serious injuries.
- Up to Rs 5 lakh to those whose houses were burnt.

⁶⁶⁷ Petersen, H. E., & Rahman, S. (16 March 2020). Delhi’s Muslims despair of justice after police implicated in riots. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2020/mar/16/delhis-muslims-despair-justice-police-implicated-hindu-riots> [7 July 2020].

⁶⁶⁸ *Ibid.*

⁶⁶⁹ *Ibid.*

⁶⁷⁰ India Today Web Desk. (26 February 2020). Delhi violence: 13 killed, curfew imposed, Amit Shah cancels Trivandrum visit over CAA stir: 10 points. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/north-east-delhi-violence-protest-riots-death-toll-all-developments-casualties-injured-1650022-2020-02-26> [26 July 2020].

⁶⁷¹ Ojha, A. (25 February 2020). Delhi violence: Shoot-at-sight order issued in North East district. *IndiaToday*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-shoot-at-sight-order-issued-by-police-in-north-east-district-1649962-2020-02-25> [26 July 2020].

⁶⁷² Khanna, P. (27 February 2020). Delhi violence: Kejriwal announces relief measures for affected areas. *Livemint*. Retrieved from <https://www.livemint.com/news/india/delhi-violence-kejriwal-announces-relief-measures-for-affected-areas-11582804278679.html> [27 July 2020].

The government also extended its Farishte Scheme, which covers the cost of treatment for accident victims in private hospitals, to the victim of riots. At the press conference held on 27 February 2020 Arvind Kejriwal said, “*We held many meetings today. Those who have been affected by the riots...we have taken decisions for their rehabilitation. Those who have been injured, government hospitals will take care of their expenses*”.

He also talked about the organisation of special camps for those who lost their documents in this violence. Finance department of the government was asked to tie up with insurance companies so that these claims could be settled at the earliest.

However, on 4 March 2020,⁶⁷³ Arvind Kejriwal tweeted that the Delhi Cabinet approved a compensation of Rs 1 crore for the family of IB staffer Ankit Sharma, who was killed during the north-east Delhi riots in February. The Tweet was:

“Ankit Sharma was brutally murdered during the Delhi riots. We had announced a compensation of Rs 1 crore for his family. Today, the Cabinet has approved that decision. Hopefully, the amount will reach his family very soon.”⁶⁷⁴

Delhi Police head constable Ratan Lal was also amongst those killed in the violence on February 24. The Kejriwal government had announced a compensation of Rs 1 crore for Lal’s family on 26 February. Ratan Lal died of bullet injuries in the clashes in Gokalpuri on.⁶⁷⁵

29 years old Constable of Border Security Force, Mohammed Anees’⁶⁷⁶ house, situated at Khajuri Khas, was burned down by the mobs whilst they had chanted “*idhar aa Pakistani, tujhe nagarikta dete hai* (Come here Pakistani, we’ll give you citizenship)”. BSF came forward to rebuild the home of their jawan. According to a senior BSF officer, Anees, who was then posted at a BSF camp in Radhabari near West Bengal’s Siliguri, was supposed to be transferred to Delhi “very soon” so that he could be with his family and prepare for his wedding.⁶⁷⁷

⁶⁷³ HT Correspondent. (02 March 2020). Delhi govt announces Rs 1 crore compensation for IB official Ankit Sharma’s family. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/delhi-govt-announces-rs-1-crore-compensation-for-ib-official-ankit-sharma-s-family/story-eUV0jsdkofiDwOd7SR8AiK.html> [27 July 2020]

⁶⁷⁴ *Ibid.*

⁶⁷⁵ *Ibid.*

⁶⁷⁶ HT Correspondent. (02 March 2020). Delhi govt announces Rs 1 crore compensation for IB official Ankit Sharma’s family. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/delhi-govt-announces-rs-1-crore-compensation-for-ib-official-ankit-sharma-s-family/story-eUV0jsdkofiDwOd7SR8AiK.html> [27 July 2020].

⁶⁷⁷ PTI. (29 February 2020). BSF to rebuild jawan’s home burnt in Delhi riots as wedding gift: Delhi News. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/bsf-to-rebuild-jawans-home-burnt-in-delhi-riots-as-wedding-gift/articleshow/74416712.cms> [26 July 2020].

On 27 February, two Special Investigation Teams (SIT)⁶⁷⁸ were constituted under the Crime Branch of Delhi Police which have been investigating the violence in the North-East district. All the FIRs were also transferred to the SIT, Crime branch. DCP Joy Tirkey and DCP Rajesh Deo are heading the SITs comprising four Assistant Commissioners of Police in each team. Additional CP (Crime) B K Singh will supervise both the SITs.

On 4 March the peace and harmony committee of Delhi Assembly launched its campaign against rumours and fake news, by announcing a WhatsApp number (8950000946) and an email ID – dvscommittee@delhi.gov.in – where people could send complaints on fake videos and reports from social media platforms that can cause communal disharmony. In return these whistleblowers, whose complaints are converted into FIRs, were supposed to be awarded with a monetary reward of 10,000.⁶⁷⁹

Delhi Police received a lot of flak for their biased investigations,⁶⁸⁰ adding to this, The Indian Express⁶⁸¹ published a report on the order dated 8 July issued by the Special Commissioner of Police (Crime) to senior officers heading the probe teams. The order was about asking the probe teams to “suitably” guide the Investigating Officers since, the arrests of “some Hindu youth” from riot-hit areas in Northeast Delhi has led to a “degree of resentment among the Hindu community” and “due care and precaution” must be taken while making arrests.

Delhi Police’s Public Relations Officer (PRO) Mandeep S Randhawa issues a rejoinder⁶⁸² in their defence saying:

“Delhi Police is constantly fed with information obtained through representations from members of public and other intelligence inputs from its own intelligence wings and other agencies. It has to take note of these information in an unbiased manner... The news item conveniently ignores the spirit of the order where it has been specifically stated that ‘any arrest’, irrespective of any class, community or religious group, be done on the basis of evidence and not give an impression of being arbitrary... This letter was written only to inform the investigating officers about the representations being received from both the communities and to sensitise and guide them through the

⁶⁷⁸ ANI. (26 February 2020). Delhi Riots: Police Forms Two Special Investigation Teams To Probe Violence. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-delhi-riots-police-forms-two-special-investigation-teams-to-probe-violence/347955> [26 July 2020].

⁶⁷⁹ HT Correspondent. (04 March 2020). Rs 10,000 reward for those whose hate message complaint turns into FIR. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/delhi-reporting-fake-news-hate-messages-can-earn-you-rs-10-000/story-hxuQk4ysq2XIuXCe9TpxgO.html> [26 July 2020].

⁶⁸⁰ Lalwani, V. (24 May 2020). ‘Got your azaadi?’: Investigation into Delhi violence sparks concerns about bias against Muslims. *Scroll*. Retrieved from <https://scroll.in/article/962567/got-your-azaadi-investigation-into-delhi-violence-sparks-concerns-about-bias-against-muslims> [26 July 2020].

⁶⁸¹ Manral, M. S. (16 July 2020). Resentment in Hindus on arrests, take care: Special CP to probe teams. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/hindu-resentment-north-east-delhi-riots-special-cp-6506063/> [26 July 2020].

⁶⁸² *Ibid.*

investigation of these cases... During the incidents of rioting in North East District of Delhi, Delhi Police has acted in an impartial manner as per provisions of law and the victims were rescued irrespective of their caste and religion."

The *Indian Express* stood by their reportage in a rebuttal⁶⁸³ stating:

"The article accurately reports an order issued by Special Commissioner of Police Praveer Ranjan to senior officers heading teams probing the Northeast Delhi riots. A detailed questionnaire was sent to Special CP Ranjan and PRO Randhawa seeking their response. Both declined to comment. The Delhi Police's contention in the joinder that "the letter was written only to inform investigating officers about the representations being received from both communities" does not find mention in the order, which specifically highlights 'resentment among Hindu community' over arrests of 'some Hindu youth'"

4.3 Police Apathy and Contribution to the Escalation of Violence

Various allegations are being thrown at the Delhi Police that not only they remained a mute spectator, but actively participated in the violence through all possible means—resorting to violence, helping rioters, vandalising Muslim religious places, throwing off communal slurs or making the Muslims prove their nationality to even destroying evidences.

*'Daro mat police tumhare saath hai, maaro in ka**o ko (Do not worry, the police are standing by you. Kill these Muslims)'*⁶⁸⁴

The above order was given by the very senior police officers as narrated by Mohammad Akram Khan who on February 24th, around 2 p.m was returning to his home from an Ijtima at Qasabpura when a bomb was thrown at him, which led to the loss of his right hand.

There was also a clear wave of intimidation when people saw support of the police to the Hindu mobs. For over 48 hours, armed Hindu mobs had targeted the Muslim neighbourhoods. One of them was Vijay park. Salman Khan, Sadim Rajput, and Saif Ahmed were among many residents of Vijay Park who suffered multiple injuries in the attack on 23 February.⁶⁸⁵ All of them told that they were beaten in front of the policemen who refused to help. The residents also claimed that on 23 February, the police were

⁶⁸³ *Ibid.*

⁶⁸⁴ Iyer, A. S., & Menon. A. (26 June 2020). Lost My Hand to Bomb Thrown From Nursing Home: Delhi Riot Survivor. Retrieved from <https://www.thequint.com/news/india/north-east-delhi-riots-akram-hand-delhi-police-mohan-nursing-home> [07 July 2020]

⁶⁸⁵ Sagar. (25 February 2020). Hindu supremacist mobs orchestrate violence against Muslims where BJP won in Delhi elections. *Caravan* Retrieved from <https://caravanmagazine.in/religion/delhi-violence-north-east-maujpur-jaffrabad-babarpur-muslims-hindu> [07 July 2020]

chanting “Jai Shri Ram” as they charged at Muslim neighbourhoods along with the Hindu mob. They also said the police walked behind the armed right-wing mobs as they attacked the Muslim colonies. They said the police fired in their colonies while hiding behind the Hindu mobs.⁶⁸⁶

Another victim Muhammad Mubarak, a daily wager, had a similar ordeal to tell. On February 23rd, he did not want to cross the road to the Maujpur metro station when he heard that people were being attacked. However,

“[T]he cops standing at the barricade told me that it was absolutely fine to follow the road towards Vijay Park; the mob came from behind and attacked me. The police kept watching but didn’t come to rescue me”.⁶⁸⁷

A young Gujjar boy Ravinder, 17, in fact had bragged about how police had instructed them to destroy the CCTV cameras as they marauded through the streets on 24 February 2020.

“Some policemen were standing just a few metres away. They did not say anything to us. They turned their faces away from us. We understood that police would not intervene if we turned violent against any Muslim and a large section of the police all along backed us throughout”, claimed Ravinder.⁶⁸⁸

While the authorities have denied that police were in any way involved in the violence, video footage captured during the riots and corresponding witness testimony shows police accompanying and encouraging the Hindu mobs or even taking part in pelting Muslims with stones and destroying CCTV cameras⁶⁸⁹ after clearing protest sites of Khureji. There were also confession statements by the perpetrators as to how they were aided by the police. In the same video one could see police personnel joining the rioters in throwing off stones.

“We did not have enough stones here, so the police brought some and told us to throw them,”⁶⁹⁰ Himanshu Rathor said in a video released by BBC.

Another video from the days of violence made by the one of the perpetrators in the form of

⁶⁸⁶ *Ibid.*

⁶⁸⁷ *Ibid.*

⁶⁸⁸ Petersen, H. E., & Rahman, S. (16 March 2020). Delhi’s Muslims despair of justice after police implicated in riots. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2020/mar/16/delhis-muslims-despair-justice-police-implicated-hindu-riots> [07 July 2020]

⁶⁸⁹ The Quint. (26 February 2020). Video Shows Police ‘Breaking CCTV’ Near Khureji Protest Site. *The Quint*. Retrieved, from <https://www.thequint.com/news/india/video-shows-police-breaking-cctv-after-clearing-khureji-protest> [07 July 2020]

⁶⁹⁰ Scroll Staff. (04 March 2020). ‘The police told us to throw stones’: BBC meets Delhi residents who took part in communal violence. *Scroll*. Retrieved from <https://scroll.in/video/955020/the-police-told-us-to-throw-stones-bbc-meets-delhi-residents-who-took-part-in-communal-violence> [07 July 2020]

a Facebook live⁶⁹¹ as posted where they were seeing pelting stones, using strong language against Muslims while the police stayed mum.

Journalists of *The Caravan*⁶⁹² had the opportunity to witness the biasness of the police towards the Hindu mobs. It was 24 February, around 5 pm when he witnessed Delhi Police personnel's inaction when the right-wing mob was brutally beating up a passer-by coming from Jaffrabad. He also saw how members of the mob looted a Muslim shop of cigarettes and paan, with the name of the owner written on it, 'Nasir Khan', in full view of the police. Police's alleged biasness was reflected as all the while when the crowd proceeded to loot everything in the shop even, not only the police personnel did nothing to stop them.

Another victim's account reverberates the same ordeal. Iqrar, a resident of New Seelampur, in his complaint filed at the Bhajanpura police station on 08 March 2020 states as to how on 25 February 2020 evening while he was crossing Delhi's Gonda Chowk on his scooter, he was stopped by eight-ten men who were standing with a group of around 15-20 police personnel. The mob consisted of both civilians and the police who were armed with swords, sticks and guns.

He tried to escape from the mob by forging his name to Raju and even chanted 'Jai Shri Ram' with them. But his attempts to hide his Muslim identity turned out to be futile when the group figured out his name from his extorted wallet. They began thrashing him with their sticks and swords. Iqrar wrote,

"When they were beating me, the police were saying, 'Give this one his full freedom too'.⁶⁹³

Residents from Mustafabad area alleged that the police personnel vandalized and torched the Farooqia Masjid situated in Brijpuri as well as a Madrasa. They also blamed the police for physically torturing the men and Imam who were finishing off their Maghrib prayers. The attack took place close to 7 pm⁶⁹⁴ on 25 February 25th. The attackers were identified as the "force" or "policewaale" – policemen by the imam of the mosque- Mufti Mohammad Tahir. He also told *The Caravan* that the CCTV room, situated on the ground floor, was also destroyed by them which had footage of at least 16 CCTV cameras within the mosque.

⁶⁹¹ Scroll Staff. (01March 2020). Delhi violence: A rioter posted this live video during mob action earlier this week. *Scroll*. Retrieved from <https://scroll.in/video/954741/delhi-violence-a-rioter-posted-this-live-video-during-mob-action-earlier-this-week> [07 July 2020]

⁶⁹² Kumar, P. (26 March 2020). Delhi Police watched as Hindu mob brutally beat Muslim man, looted shop in Maujpur. *The Caravan*. Retrieved, from <https://caravanmagazine.in/conflict/delhi-violence-riots-maujpur-muslim-northeast-police-hindu-mob> [07 July 2020]

⁶⁹³ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 July 2020].

⁶⁹⁴ Ashraf, A. (09 March 2020). I Visited Nine Broken Mosques and Then I Gave Up. *NewsClick*. Retrieved from <https://www.newsclick.in/I-Visited-Nine-Broken-Mosques-Then-I-Gave-Up> [07 July 2020].

The three survivors—Tahir, a 30-year-old; Firoz Akhtar, a 42-year-old tailor; and Jalaluddin, the mosque's 44-year-old muezzin, recalled as to how the uniformed attackers had brutally beaten them with lathis. Three of them were certain that none of the attackers were dressed in civilian clothes. Next morning Jalaluddin's wife, Waheeda witnessed policemen torching the Jamiatul Huda madrasa, next to Farooqia Masjid.⁶⁹⁵

Tahir recollected how around the end of the Maghrib namaz, when the men in the mosque were making an announcement calling for communal harmony, dozens of "police personnel" armed with lathis barged inside the mosque. He further added that the attackers had passed two common refrains against them.

"One was a chant of 'Jai Shri Ram' and the other comment that they said while beating us was, '*Bohot azadi mangte ho na, lo azadi*'" (You guys keep asking for freedom, here's your freedom).⁶⁹⁶

A 59 year old businessman, Naseem-ul-Hassan's account confirms the above as he had seen assaulters wearing uniforms of a "force" without visible name badges—breaking the main gate of the Farooqia Masjid around the same time and, dragging the Muslim men who were performing namaz out of the mosque.

One of the incidents that took rounds on social media that happened on 25 February 2020 when four men in their early twenties were seen lying injured on the ground, forced to sing the national anthem and Vande Mataram by men in police gear. One of them was a 24 year old Faizan⁶⁹⁷ who later succumbed to gunshot wounds at the LNJP Hospital. The video was shot at Kardampuri, on 24 February 24 evening when Police were trying to control the violence; the family told The Indian Express. This incident was recently compared with George Floyds' murder by police personnel in the USA.⁶⁹⁸

⁶⁹⁵ *Ibid.*

⁶⁹⁶ Shroff, K. (11 March 2020). Men in uniform torched Mustafabad's Farooqia Masjid, assaulted people inside: Locals. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/men-in-uniform-torched-mustafabads-farooqia-masjid-assaulted-people-inside-locals> [07 July 2020]

⁶⁹⁷ Lakhani, S. (29 February 2020). Delhi violence: Video showed men being made to sing anthem, one is now dead. *Indian Express*. Retrieved, from <https://indianexpress.com/article/cities/delhi/delhi-violence-video-national-anthem-6291881/> [07 July 2020].

⁶⁹⁸ Khanna, R. (5 June 2020). George Floyd vs Faizan: Many Similarities, One Big Difference. *The Quint*. Retrieved July 26, 2020, from <https://www.thequint.com/videos/news-videos/justice-for-george-floyd-in-usa-why-did-india-fail-to-track-those-who-killed-faizan-police-brutality> [07 July 2020]

4.4 Post-Violence Conduct of the Delhi Police

Asymmetrical recording of complaints, slanted investigations, pushing of a one-sided narrative, and intimidation of complainants

4.4.1 Police's Reactions to Complaints

The complicit attitude of police didn't just stop while the violence was at its peak, rather it is very much reflected in the process of filing complaints and subsequent intimidation of the victims, particularly in cases where complaints revealed complicity of the Police and crimes and violence committed by them.⁶⁹⁹

There are several accusations against police for deliberately hiding BJP Leaders names from a number of complaints like that of Kapil Mishra MLA from Karawal Nagar, Satya Pal Singh, a member of parliament from Uttar Pradesh's Baghpat constituency who previously served as the commissioner of police in Mumbai; Nand Kishore Gujjar, UP's MLA from Loni; Mohan Singh Bisht, the MLA from Delhi's Karawal Nagar constituency; and Jagdish Pradhan, a former Delhi MLA from the Mustafabad constituency.^{[700] [701] [702]}

One of the complaints, stamped as received by the office of Delhi's commissioner of police, the MHA, the PMO and the LG's office, was filed on 24 February, the day after Mishra's speech. The complainant, Mohammad Jami Rizvi, a resident of northeast Delhi's Yamuna Vihar neighbourhood, wrote that at around 2 pm on 23 February, a crowd of around 20-25 people encouraged Mishra to attack minorities in Kardampuri.

Slogans were raised in his support, that went like:

"Kapil Mishra tum lath bajao, hum tumhare saath hai Lambe-lambe latth bajao, hum tumhare saath hai Kheech-kheech ke latth bajao, hum tumhare saath hai Mullo par tum lath bajao, hum tumhare saath hai. Chamaaro par tum latth bajao, hum tumhare saath hai".⁷⁰³

⁶⁹⁹ Singh, P. & John, A. (3 September 2020). Crime and Prejudice --- The BJP and Delhi Police's Hand in the Delhi Violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/the-bjp-and-delhi-police-hand-in-the-delhi-violence/> [10 September 2020].

⁷⁰⁰ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 July 2020]

⁷⁰¹ Iyer, A. S., & Menon, A. (30 June 2020). Delhi Riots: Several Complaints Name BJP Ex-MLA Jagdish Pradhan. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-riots-jagdish-pradhan-kapil-mishra-bjp-mla-muslims> [26 July 2020]

⁷⁰² Iyer, A. S., & Menon, A. (30 June 2020). Delhi Riots Exclusive: BJP Councillor Led Mob, Claims 'Eyewitness'. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-riots-bjp-councillor-kanhaiya-lal-kapil-mishra-jagdish-pradhan-muslims> [26 July 2020]

⁷⁰³ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints->

Thereafter, Mishra's accomplices began pelting stones at protestors in Kardampuri. He adds,

"After this, in the presence of the police, they began stopping cars on the road. They identified the vehicles of Muslims and Dalits, and while abusing them and calling them anti-nationals, mullahs, and using casteist words against the Dalits, they beat them up and destroyed their cars too."⁷⁰⁴ According to Pradhan, protestors were only letting vehicles of Muslims pass by while Hindus were stopped and their vehicles were burnt. He alleged that this is how it started from Maujpur and spread towards Brijpuri and Chand Bagh.

They said they were finally able to lodge their complaints in mid-March, at a police help desk that was set up at a relief camp at Eidgah grounds.

Despite a settled principle of following due criminal procedure upon receiving any complaint that prima facie constitutes a cognisable offence, the police took no action against Mishra.

Another complainant corroborates this claim. Rubina Bano, a resident of Chand Bagh named Mishra in her complaints and thereafter facing intimidation from police. She said, "*I am now getting threats directly from the policemen who often knock at my doors*".

"*If this is not stopped, people will keep losing their children. He (Kapil Mishra) should be arrested immediately,*" said 26 years Rahul Solanki's family who was shot dead while heading back home after grocery shopping.⁷⁰⁵

One of the complainants claimed that he recognised some of the locals who were pelting stones and throwing petrol bombs from the roof and he has mentioned them in his complaint but he alleged that the police threatened locals not to complain about specific incidents else "they will be booked under fake cases".

Mehmood Pracha, a lawyer who is providing free legal assistance to riot victims said,

"We have received hundreds of complaints from Muslim people that police are threatening people, including women and children, that if they filed complaints, they would be implicated in false cases".⁷⁰⁶

Mohammad Akram Khan, who lost his right hand in a bomb attack on February 24th, had

against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence [07 July 2020].

⁷⁰⁴ *Ibid.*

⁷⁰⁵ Saxena, A. (26 February 2020). Divided in violence, united in grief: Families of dead say hate is to blame. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-cao-protest-death-toll-kapil-mishra-communal-clash-6286950/> [26 July 2020].

⁷⁰⁶ Petersen, H. E., & Rahman, S. (16 March 2020). Delhi's Muslims despair of justice after police implicated in riots. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2020/mar/16/delhis-muslims-despair-justice-police-implicated-hindu-riots> [07 July 2020].

a similar story to reveal. According to him, their initial attempts to request the police to register a case were unsuccessful.

“My uncle requested the police personnel present at GTB Hospital to register a case regarding what happened to me but the police threatened him, saying that ‘if you report about this incident, both you and your nephew will be put in jail and we won’t even allow you to get bail’”.⁷⁰⁷

Apparently this was not all. Police were accused of omitting certain details, simplifying the narration/experience of victims and even changing the types of accusations in the complaints.⁷⁰⁸

Nisar Ahmed⁷⁰⁹ has accused police first for their lethargic attitude when the violence broke out and, then for asking Ahmed to file an unnamed complaint as under theft and not under arson and rioting when he went to Gokulpuri Police station on 03 March 2020. He declined saying he would return with a written complaint. On March 4, Ahmed submitted a written complaint to the SHO about the violence and named Mowgli, Michael and Tinku were accused.

Another accusation that the complainants made by the Muslim residents was the omission of the usages of explosives which had led to massive damages.⁷¹⁰ The Caravan has copies of complaints which accuse mobs of destroying lives and property with the usage of bombs. Complainants claimed that when they lodged complaints in the immediate aftermath of the violence, the police had registered first-information reports that excluded the names of the accused and the details about the explosives.

One of such victims Ilyas⁷¹¹ from Mustafabad area, narrated how on February 25th around 11 p.m, some Anil sweet seller came at scene (where Ilyas’ shop is situated) chanted slogans in like ‘Jagdish Pradhan zindabad,’ ‘Nand Kishore Gujjar zindabad,’ ‘Satyapal sansad zindabad’ and threw a bomb into his shop which exploded with a loud bang. He added,

“The roof of my shop blew up in a way that could be seen around the area and

⁷⁰⁷ Iyer, A. S., & A., Menon. (26 June 2020). Lost My Hand to Bomb Thrown From Nursing Home: Delhi Riot Survivor. *The Quint*. Retrieved from <https://www.thequint.com/news/india/north-east-delhi-riots-akram-hand-delhi-police-mohan-nursing-home> [07 July 2020].

⁷⁰⁸ Singh, P& John, A. (3 September 2020). Crime and Prejudice --- The BJP and Delhi Police’s Hand in the Delhi Violence. *TheCaravan*. Retrieved from <https://caravanmagazine.in/politics/the-bjp-and-delhi-police-hand-in-the-delhi-violence/> [10 September 2020].

⁷⁰⁹ The Wire Staff. (01July 2020). Delhi Violence: Man Looted by Rioters Now Being Threatened to Withdraw Complaint. *The Wire*. Retrieved from <https://thewire.in/rights/northeast-delhi-violence-riots-bjp-kanhaiya-lal> [07 July 2020].

⁷¹⁰ Singh, P. (05 July 2020). The widespread and under-reported use of explosives by Hindu mobs in the Delhi violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/crime/widespread-under-reported-use-of-explosives-by-hindu-mobs-in-delhi-violence> [07 July 2020].

⁷¹¹ *Ibid*.

my ears went numb". Ilyas even filed a complaint as clearly stating what he saw and naming specific people who destroyed his shop. But he found those details completely missing from his complaint. When my son read out the FIR to me, I was shocked,"

Ilyas wrote in his second complaint, filed at the help desk.

"It did not name any accused person, and the height of it was that it simply said, 'A two-storeyed property has been destroyed,' whereas I had very clearly told the police officer that Anil sweet wala took out a bomb from a bag, threw it at my house and destroyed the property".

There were more such cases where Police intentionally omitted the minute details making the complaints not only vague but weak in nature, like changing the exact locations from where the explosives were being thrown. This undermined the role of prominent places like Mohan Nursing home⁷¹² and BJP leaders, which did turn out to be quite notorious in playing out communal violence.

The Caravan has published various articles and a few of them clearly raise questions on the role of police in the three-day riot. Police released a rejoinder⁷¹³ to one of such articles from their official Twitter handle. Apart from calling out the report imaginative and bogus, Delhi police failed to clarify a few things. *The Caravan's* responses on their rejoinder says,

"It has not denied receiving any of the complaints mentioned in the article. Neither has it denied the inactions of Delhi Police on these complaints, nor specifically responded to the allegations about the involvement of various BJP leaders in the violence. The Delhi Police has also not denied that none of the BJP leaders named in these complaints faced any sort of investigation or action despite the gravity of the allegations against them. They only conveniently provided statistics about the number of FIRs registered, without responding to the specific allegation in the piece that the police buried the complaints that named BJP leaders. It has neither denied this in its rejoinder, nor provided any information to prove otherwise. The police have not shared any details that suggest that it initiated any action against the named BJP leaders in response to the complaints against them".

In addition to this, on 14 July Delhi Police Commissioner SN Shrivastava,⁷¹⁴ told PTI "*the*

⁷¹² NDTV. (06 March 2020). Video: New Video Shows Men Firing At Crowd From Hospital During Delhi Clashes. *NDTV*. Retrieved, from <https://www.ndtv.com/video/news/news/new-video-shows-men-firing-at-crowd-from-hospital-during-delhi-clashes-542444> [07 July 2020].

⁷¹³ Singh, P. (27 June 2020). Rejoinder: Delhi Police's whataboutery does not deny the allegations against BJP leaders in Delhi violence. *The Caravan*. from <https://caravanmagazine.in/politics/rejoinder-delhi-police-whataboutery-does-not-deny-allegations-against-bjp-leaders-delhi-violence> [07 July 2020].

⁷¹⁴ *New Indian Express*. (14 June 2020). Charges against cops over probe into northeast Delhi riots could be motivated: Police commissioner. *New Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/jun/14/charges-against-cops-over-probe->

accusations against police over its probe into the northeast Delhi violence could be “motivated” and are also directed at the court of law, the chief of the force”. He added that the Delhi Police is a “credible force”, which has carried out the investigation into the northeast Delhi violence “with full responsibility” and has “been very fair and transparent”.

On 13 July 2020,⁷¹⁵ the Delhi Police informed the Delhi High Court that “during the investigations conducted so far” in connection with the Northeast Delhi riots, “no actionable evidence has surfaced yet indicating any role being played by” any prominent political leader in “instigating and/or participating in the riots”. Police also cleared about the police’s role in rioting. To which they said that “no involvement of any police officials has been found” in rioting so far. The affirmations were made by the Delhi Police in a common preliminary affidavit filed in response to a batch of PILs before the High Court, which have sought for FIRs against various leaders from BJP as well as AAP.

4.5 Investigations Conducted

A total of 1,300⁷¹⁶ arrests were made till 27 May 2020, though subsequently, in their Affidavit filed in the Delhi High Court on 13 July 2020, the Police disclosed that 1430 arrests had been affected in 751 FIRs. However, at the outset some news reports quoting unnamed “police sources” suggested the involvement of “outsiders” and gangs from neighbouring Uttar Pradesh. Even Delhi chief minister Arvind Kejriwal reiterated this and pinned the blame on “outsiders”, as opposed to the reports by the residents of the areas that witnessed the violence.

Other side of these claims lie the conversations with local residents which seem to point to locals’ involvement as well. Among the murderous mobs were ordinary men like Kumar who gloated about killing ‘*mohammadans*’ on February 25th. He described how he got his first catch:

“The Mohammadan was running. The Hindu public was chasing him. I was leading the pack. I was the first to catch up with him, and hit him with my rod on his head. He fell down, and the public pounced on him after that...de dhana-dhan-dhan.”⁷¹⁷

into-northeast-delhi-riots-could-be-motivated-police-commissioner-2156565.html [07 July 2020].

⁷¹⁵ Singh, P. (13 July 2020). No evidence so far to link speeches to riots: Police to HC. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-riots-police-high-court-hate-speeches-6504401/> [26 July 2020].

⁷¹⁶ Jain, S., Dwivedi, S., & Sanyal, A. (26 May 2020). Arrests Of 2 More Students In Delhi Riots Case Raise Questions. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/delhi-violence-arrests-of-2-more-students-in-delhi-riots-case-raise-questions-2235640> [26 July 2020].

⁷¹⁷ Singh, P. (13 July 2020). No evidence so far to link speeches to riots: Police to HC. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-riots-police-high-court-hate-speeches->

“Uss time papa ne uss talwar ko khoon pilaya tha, iss baar maine usko rang diya,” (At that time [1984], my father fed the sword with blood, this time I coloured it red), confessed a resident of Ghonda’s Arvind Nagar who bragged about this achievement of killing Muslims on 25 February. He is a cab driver by profession and could confess this to a reporter because he could confide in a Hindu.⁷¹⁸

By 13 April 2020, the FIRs swelled to 751. An unidentified official was quoted in the report saying that the Union Home Ministry “insisted that police must continue making arrests under any circumstances”.⁷¹⁹

Despite the lockdown, the Delhi Police, therefore, continued with their investigations into North-East violence. But the investigations revealed some patterns and loopholes too.

1. Charge sheets filed in the case of the death of a 20 year old waiter Dilbar Negi named 12 people. Negi’s mutilated and charred body was found in Shiv Vihar’s Anil sweets on 26th February. Besides this, the 12 accused are also charged with criminal conspiracy, rioting, and promoting enmity between groups in areas like Seelampur, Jafrabad. As analysed by the Indian express,⁷²⁰ the confession statements of all 12 accused in case of rioting and hatching criminal conspiracy seem to be a copy paste of each other: Nine of the 12 accused have statements near-identical – words and sentences are repeated ad verbatim – this includes: matching excerpts of statements of Azad (24), Rashid/Monu (20), Ashraf Ali (29) and Mohd Faizal (20) related to the Seelampur riots; Similar is the pattern in the confession statements of Mohammed Shoeb (22) and Shahrukh (24) related to Jafrabad riots; The statements of Tahir (38), Parvez (34) and Rashid (22), constitutes an almost similar matching set, identical to the statements above.

2. Charge sheet filed in Negi’s case claimed that he “was burnt alive” when a “Muslim mob” targeted shops and properties of Hindus near the Brijpuri-Shiv Vihar-Mustafabad crossing on 24 February. *The Quint*⁷²¹ managed to access the chargesheet and figured out quite a number of loopholes in it. Few of them being the discrepancies of dates of the CCTV footage cited and date/time of Negi’s death, lags in the call details of Negi, etc.

6504401/ [26 July 2020].

⁷¹⁸ *Ibid.*

⁷¹⁹ Lalwani, V. (24 May 2020). In Delhi violence investigation, a disturbing pattern: Victims end up being prosecuted by police. *Scroll*. Retrieved from <https://scroll.in/article/962526/in-delhi-violence-investigation-a-disturbing-pattern-victims-end-up-being-arrested-by-police> [07 July 2020].

⁷²⁰ M, K. S. (02 July 2020). Delhi riots: 9 of 12 confession statements near copies of one another. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-riots-9-of-12-confession-statements-near-copies-of-one-another-6485967/> [07 July 2020].

⁷²¹ Nandy, A. (17 June 2020). Delhi Riots: Inside the Charge Sheet on Dilbar Negi’s Killing. *The Quint*. Retrieved from <https://www.thequint.com/news/india/dilbar-negi-burnt-body-found-during-delhi-violence-inside-details-gaps-chargesheet> [07 July 2020].

3. Other patterns that were revealed during the reportage by the scroll⁷²² was the case of Shiv Vihar resident Hasim Ali (60) and a Yamuna Vihar resident Subhash Tyagi (51). Both were the victims of the violence and even had filed complaints about their experiences and losses incurred due to violence, but they ended up being prosecuted by the police under various offences.⁷²³ On one hand Hasim was arrested on April 4th on the charges of rioting in the volatile areas on the basis of the photos and videos that the police was in possession of where he was allegedly seen directing the mob to riot; on the other hand Subhash was arrested on April 9th under the charges of murder of an NGO worker Parvez Alam (50) and its basis was his phone location being same as Alam's murder location. Whereas Alam's neighbours claim that he fell to a bullet shot but police and medico-legal certificate claimed he succumbed to gunshot injuries.

Reports⁷²⁴ show how not only various detentions of Muslim men have taken place in a strategic manner but also how no information was being shared with their families, lawyers and social activists. The accusations also state how the information was first leaked to the media houses before releasing it to the families. The account of Rehan Ali (20) a resident of Gali Number 4 in Moonga Nagar, New Mustafabad area presents a similar ordeal. Non-uniformed men picked up Ali's elder brother Riyasat and father Liaqat on 07 March for "*pooch-taach*" –enquiry. They refused to give the family any details about the arrests, rather asked them to check with the Sunlight Colony police station near Ashram.

The police was employing tactics of picking up one male member of a family and coercing another member to present themselves before the police. Denial of legal access and access to family members over extended periods was a common feature in all the testimonies. Jaya,⁷²⁵ a researcher who has been documenting the detentions and arrests confirmed this pattern of targeting one particular community but doing it in such a way that it was stretching the limits of the law. "*Because they cannot keep one detained for more than 24 hours legally, they are releasing the person at the last moment and then picking him up again,*" she said.

4.6 Charge-sheets and FIRs

On June 15 and 16 Delhi police had managed to file seven charge sheets in seven different cases.⁷²⁶ A total of 39 persons that were arrested and charge sheeted in the seven cases, six

⁷²² Lalwani, V. (24 May 2020). In Delhi violence investigation, a disturbing pattern: Victims end up being prosecuted by police. *Scroll*. Retrieved from <https://scroll.in/article/962526/in-delhi-violence-investigation-a-disturbing-pattern-victims-end-up-being-arrested-by-police> [07 July 2020].

⁷²³ *Ibid.*

⁷²⁴ Sagar. (11 March 2020). Detentions, arrests, interrogations: Fear reigns in Muslim neighbourhoods of northeast Delhi. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/detentions-delhi-violence-northeast-muslim-arrests-riots-police-crime-branch> [07 July 2020].

⁷²⁵ *Ibid.*

⁷²⁶ HT Correspondent. (16 June 2020). 7 fresh charge sheets filed in Delhi riots case. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/7-fresh-charge-sheets-filed-in-delhi->

of which were related to rioting and murders at Shiv Vihar near Karawal Nagar while the seventh was booked under rioting and murder incident that took place at Khajoori Chowk. All the seven deaths were reported on February 25. On June 25th, the crime branch had submitted its charge sheet in a Delhi court in the murder case of 22-year-old Monis⁷²⁷ who was a labourer, who was 'waylaid at Brijpuri road and beaten to death by a mob' on February 25. The seven arrested are in jail.

Ultimately, as revealed in Delhi Police's Affidavit filed in the Delhi High Court on 13 July 2020, there were 751 FIRs recorded, of which FIR No. 59/2020 recorded in early March by the Crime Branch, was transferred to the Special Cell of Delhi Police. FIR 59/2020 has become the Police's main FIR, which is referred to as the "conspiracy FIR". In the investigation of this FIR the Special Cell has adopted a "chronology" which is very transparently aimed at making out a case of criminal conspiracy against Muslims, based on a narrative that the protests against the CAA/NRC were intended to destabilise the nation, and to cause embarrassment to the Union Government when Donald Trump was due to visit Delhi for the Namaste Trump event in the third week of February 2020. The "chronology" painstakingly omits and whitewashes out every mention of hate speeches by BJP leaders, and completely ignores the vitriolic attacks against Shaheen Bagh and Muslim protesters at election meetings and marches conducted by Kapil Mishra, Parvesh Verma, Anurag Thankur, Amit Shah, Yogi Adityanath, Abhay Verma, and others. It even omits to mention the immediately proximate speeches and threats given by Kapil Mishra and Ragini Trivedi. In sum, the narrative spun by the Special Cell in its investigations and arrests in FIR 59/2020 is that the Muslims who suffered hugely disproportionate killings, serious injuries, destruction of properties and places of worship, loss of livelihoods, and large-scale displacement, had themselves created a conspiracy to bring this suffering upon themselves.^{[728][729]}

Chronology of Events as Described by the Delhi Police

In the charge-sheet filed by the Delhi Police in connection with the murder of Ankit Sharma, officer of the Intelligence Bureau, it included an 1500 word chronology of events that led to eruption of the violence in North-East Delhi. Indeed, this is the same "chronology" that finds its place in the Affidavit dated 13 July 2020 filed in the Delhi High

riots-case/story-LUDA373OpTcmW0V3LwwOUM.html [07 July 2020].

⁷²⁷ Singh, K. P. (26 June 2020). Another charge sheet filed in Delhi riots case. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/another-charge-sheet-filed-in-delhi-riots-case/story-bOgGbz3oGZPiMU0LmtLirI.html> [07 July 2020].

⁷²⁸ Singh, P. & John, A. (3 September 2020). Crime and Prejudice --- The BJP and Delhi Police's Hand in the Delhi Violence. *TheCaravan*. Retrieved from <https://caravanmagazine.in/politics/the-bjp-and-delhi-police-hand-in-the-delhi-violence/> [10 September 2020].

⁷²⁹ Jain, R. (18 August 2020). Police get more time to prove "CAA Conspiracy" in Delhi Riots. *Article 14*. Retrieved from <https://www.article-14.com/post/police-get-more-time-to-prove-cao-conspiracy-in-delhi-riots/> [10 September 2020].

Court, and also in all the Remand Applications filed in respect of arrests effected in FIR 59/2020 (the so-called “conspiracy FIR” being investigated by the Delhi Police’s Special Cell). However, the chronology of events ignored Kapil Mishra’s speech in Maujpur which many have claimed acted as the trigger event as well as other BJP leaders like and campaigners like Ragini Tiwari, Jagdish Pradhan, Parvesh Verma, Yogi Adityanath, Amit Shah and Kanhaiya Lal despite witness statements to the effect.^{730;731} There have also been testimonies from perpetrators who have reported that Kapil Mishra’s speech emboldened them. The WhatsApp group named in one of the charge-sheets repeatedly cites the example of Kapil Mishra by underscoring the need to preserve India for Hindus and need to protect against Muslim men enticing Hindu women in *Love Jihad*. However, most of these did not find it to the chargesheet but were confined to the annexures.⁷³² The chronology, according to the Police, essentially consists of the following events:

- 13 December 2019: Incident of violence at Jamia Millia University Road.
- 15 December: Incident of violence at New Friends’ Colony
- 16 December: Violence at Jamia Millia University
- 15 December: Formation of Jamia Coordination Committee to “keep protests alive”.
- 16 December: Beginning of Shaheen Bagh protests
- 15 January to 26 January, 2020: “Systematic encroachments and blocking of main roads” in different parts of Northeast Delhi such as Seelampur, Dayalpur, Jyoti Nagar, Khajuri Khas, Bhajanpura and Shastri Park.
- 22 February 10.30 PM: Blocking of Jafrabad main road by protesters following Bharat Bandh call by Bhim Army chief Chandrashekhar Azad
- 23 February:
 - By the morning of 23.02.2020, the gathering of protesters at Jafrabad Metro Station swelled to 2000/3000 as women and men of the surrounding areas kept joining the protest. In response the local crowd who was demanding re-opening of carriage way of 66-Foota Road and the Jafrabad Metro station had also gathered at Maujpur Chowk.

⁷³⁰ Menon, A. & Iyer, A.S. (30 June 2020). ‘Kaat Do’ Said Ragini Tiwari, ‘Eyewitness’ Saw Her Firing Bullets. *Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragini-tiwari-hindutva-bjp-muslims> [17 July 2020].

⁷³¹ Menon, A. & Iyer, A.S. (30 June 2020). Delhi Riots Exclusive: BJP Councillor Led Mob, Claims ‘Eyewitness’. *Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-riots-bjp-councillor-kanhaiya-lal-kapil-mishra-jagdish-pradhan-muslims> [29 July 2020].

⁷³² Tiwari, A. & Kumar, B. (4 July 2020). Delhi riots: Inside the ‘Kattar Hindu’ WhatsApp group that planned, executed murders. *NewsLaundry*. Retrieved from <https://www.newsLaundry.com/2020/07/04/delhi-riots-inside-the-kattar-hindu-whatsapp-group-that-planned-executed-murders> [16 July 2020].

- Besides, on 23.02.2020 itself at 12.29 PM, information was received that some Anti-CAA protesters had blocked the road at B-Block Yamuna Vihar. The Anti-CAA protesters sitting on the slip road of Wazirabad Road, near Chand Bagh had blocked Wazirabad Road and that they are very aggressive.
- “On 23.02.2020, information was received that at 3.00 PM that some people demanding reopening of carriage way of 66-Foot Road at the Jafrabad Metro station would assemble in Maujpur Chowk, which is about 750 meters from Jafrabad Metro station.”
- “Thereafter, all residents from the areas of Jafrabad and Kardampuri (who had been supporting the blockage of the metro station) numbering in thousands gathered and started stone pelting from both sides on the crowd which was demanding reopening of carriage way of 66-Foot Road and the Jafrabad Metro station. The police intervened and dispersed the crowds on both sides by firing tear gas shells and lathi charge.”
- “However, the situation continued to be volatile and tension started to spread to other areas like Welcome, Jafrabad, Dayalpur, Usmanpur, Bhajanpura, Gokalpuri and Khajuri Khas. Incidents of stone pelting were also reported from Sherpur Chowk and Chand Bagh by Anti-CAA protesters.”⁷³³

In the first week of June, the Delhi Police filed at the Dayalpur police station into the murder of Ankit Sharma, an Intelligence Bureau staffer who was killed in the violence on February 26th. The chargesheet in the case contained a 1500 word long section titled, “*Chronology Of Events Leading To Riots In North-East, Delhi,*” which basically laid out the very same premise of probing into the violence. But, when looked at carefully it spoke volumes about Delhi Police’s shoddy investigation and intended efforts to whitewash the role of Kapil Mishra in the carnage.⁷³⁴ The chargesheet did not include Mishra’s speech, or those by the three other leaders identified in the cases before the high court. Delhi Police’s chargesheet aims only to make out a case of a planned conspiracy by a section of the protestors against CAA to malign India’s image, and is based on the theory that any violence by Hindu mobs was a mere retaliation.⁷³⁵

They have also omitted Mishra’s speech on February 23rd at Maujpur, which went on to become an epicentre of the communal violence in Northeast Delhi. His speech is rather replaced with a gathering at Maujpur as “some people demanding reopening of the carriage way of 66-Foot Road at the Jafrabad Metro station”. There were media reports

⁷³³ Menon, A. (12 June 2020). Delhi Riot: Chronology in Charge Sheet Omits Kapil Mishra’s Speech. *Quint*. Retrieved from <https://www.thequint.com/news/politics/kapil-mishra-delhi-police-charge-sheet-maujpur-jafrabad-violence> [16 July 2020].

⁷³⁴ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 July 2020].

⁷³⁵ Anwar, T. (09 June 2020). Delhi Riots: Provocation by Anti-CAA Protesters Triggered ‘Retaliation’, Allege Chargesheets. *Newslick*. Retrieved from <https://www.newslick.in/Delhi-Riots-Provocation-Anti-CAA-Protesters-Triggered-Retaliation-Chargesheets> [26 July 2020].

quoting eyewitnesses who claimed Mishra instigating violence, “*Yahi sahi mauka hai. Isse bhuna lo. Ab chook gaye to dubaara mauka nahi milega* (This is the right time. Exploit it. If you miss it, you won’t get another opportunity).⁷³⁶

All of this was despite the fact that on 26 February,⁷³⁷ a Delhi High Court bench comprising S Muralidhar and Talwant Singh directing the Delhi Police to “take a conscious decision” about the registration of FIRs against vitriolic speech made by BJP leaders Mishra; Parvesh Verma, the MP from West Delhi; Abhay Verma, the MLA from West Delhi; and Anurag Thakur, the union minister of state for finance. Consequently, all the four videos were also played out in the court.⁷³⁸

Video one – Kapil Mishra BJP

On 23 February, Mishra a former MLA from Karwal Nagar had issued an ultimatum to the Delhi Police to clear the streets of the anti-Citizenship Amendment Act protesters. Mishra tweeted (roughly translated from Hindi) stating, “Giving a three-day ultimatum to Delhi Police to clear the roads in Jaffrabad and Chand Bagh of protesters. Don’t try to reason with us after this, because we won’t pay heed.”

Video two – Parvesh Verma

In an interview with ANI on 28 January 2020 BJP leader and the Member of the Parliament from West Delhi, Parvesh Verma went on to compare the Anti-CAA-NRC protestors with militants of Kashmir. He said, “*they will enter your house...abduct your sisters and mothers, rape them, kill them the way militants had treated Kashmiri Pandits*”. He added, “*Lakhs of people gather there (Shaheen Bagh) and this fire can anytime reach households of Delhi...people of Delhi need to think about it and decide. These people will enter your house, will abduct your sisters and mothers, rape them, kill them, that’s why today is the moment.*”⁷³⁹

Video three – Anurag Thakur

While campaigning for a BJP candidate in Rithala, Delhi on 27 January, Minister of State for Finance Anurag Singh Thakur was seen raising the chant ‘*desh ke gaddaron ko*’ and the

⁷³⁶ Menon, A. (12 June 2020). Delhi Riot: Chronology in Charge Sheet Omits Kapil Mishra’s Speech. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/kapil-mishra-delhi-police-charge-sheet-maujpur-jafraabad-violence> [07 July 2020]

⁷³⁷ Singh, P. (20 June 2020). Delhi Police buried complaints accusing BJP leaders in February violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/politics/delhi-police-ignored-complaints-against-kapil-mishra-bjp-leaders-leading-mobs-delhi-violence> [07 July 2020]

⁷³⁸ India Today Web Desk. (26 February 2020). Delhi violence: Four video clips that court made cops watch. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-four-videos-clips-that-court-made-cops-watch-1650273-2020-02-26> [26 July 2020]

⁷³⁹ Arnimesh, S. (07 February 2020). Amit Shah, Adityanath, Anurag Thakur - 5 most provocative speeches of Delhi elections. *The Print*. Retrieved from <https://theprint.in/politics/amit-shah-adityanath-anurag-thakur-5-most-provocative-speeches-of-delhi-elections/361052/> [26 July 2020]

crowd followed 'goli maaro saalon ko', which translates to 'gun down traitors of the country'.⁷⁴⁰

Video four – Abhay Verma⁷⁴¹

The last video that was played out in court was from 25 February and involved BJP's MLA Abhay Verma. The video showed the BJP MLA from Laxmi Nagar area leading a group of men who could be heard chanting provocative slogans. They said, "Police ke hathyaaron ko, goli maaro saalon ko." (Shoot those who killed policemen).⁷⁴²

The decision of filing FIRs against four, was made during a petition filed by social activists Harsh Mander and Farah Naqvi who were seeking FIRs against all four of them. Muralidhar had come down strongly upon solicitor general Tushar Mehta and the Delhi Police officials claiming to not have seen the videos of the speeches. "I'm really appalled by the state of affairs of the Delhi Police," Muralidhar said. He even went on to compare the situation with 1984's Anti-Sikh riots.

4.7 Are Detentions and Arrests One Sided?

Till 07 March 2020, the Delhi Police had registered a total of 693 cases and either detained or arrested 2,193 individuals over the violence in which two-thirds of the 53 who died were Muslims, the rest were Hindus.⁷⁴³

*The Quint*⁷⁴⁴ has reported on cases where the trend Muslim men were being picked up without any information being provided to their families continued even in lockdown imposed due to COVID-19.

First such case is of Akhter (name changed) who was picked up by police on March 30th. He has been arrested on the charges of murder of Vinod Kumar's murder on 25 February. Kumar, 51, was a businessman who loaned music systems at marriages and parties.⁷⁴⁵

⁷⁴⁰ India Today Web Desk. (26 February 2020). Delhi violence: Four video clips that court made cops watch. *India Today*. Retrieved from <https://www.indiatoday.in/india/story/delhi-violence-four-videos-clips-that-court-made-cops-watch-1650273-2020-02-26> [26 July 2020].

⁷⁴¹ *Ibid.*

⁷⁴² *Ibid.*

⁷⁴³ Sagar. (11 March 2020). Detentions, arrests, interrogations: Fear reigns in Muslim neighbourhoods of northeast Delhi. *The Caravan*. Retrieved, from <https://caravanmagazine.in/conflict/detentions-delhi-violence-northeast-muslim-arrests-riots-police-crime-branch> [26 July 2020]

⁷⁴⁴ Iyer, A. S. (22 April 2020). Under Lockdown, Confusion & Fear Grip NE Delhi As Arrests Increase. *Quint*. Retrieved from <https://www.thequint.com/news/india/north-east-delhi-violence-case-investigation-muslim-minority> [07 July 2020].

⁷⁴⁵ Lalwani, V. & Kohli, K. (28 February 2020). Divided city: How barricades came up overnight between Hindu and Muslim neighbourhoods in Delhi. *Scroll*. Retrieved from <https://scroll.in/article/954574/divided-city-how-barricades-came-up-overnight-between-hindu-and-muslim-neighbourhoods-in-delhi> [25 July 2020].

“The man who died in front of Brahmmapuri Gali No 1, Vinod, he is a DJ. My husband was friends with them. On the contrary, when we got married a decade ago, it was Vinod Bhai only who was the DJ at our wedding”, said Aafreen, Akhter’s wife (name changed)

On asking about the details at the time of arrests she said,

“My husband was downstairs at his small shop. These policemen came in civil clothes and asked him to assist in the investigation for 10 minutes. He went ahead and helped them. They took him to Yamuna Vihar police station first, then he was told he will be taken to Dwarka. When we resisted him being taken to Dwarka, the policemen said, this is only for the purpose of investigation. He is not at fault, but we need to ask him questions and then we will leave him. They have not shown us any evidence, in the three days they had him he told us that they had not even shown him any evidence”.⁷⁴⁶

The FIR was filed by Vinod’s son, Nitin. While he survived, his father died on the way to the hospital. But, interestingly, the FIR does not name any accused. Akhter has been booked under Section 302 (murder), 307 (attempt to murder), 147 (rioting), 148 (rioting, armed with deadly weapon), 149 (unlawful assembly), 153 (provocation with intent to cause a riot), 505 (statements conducing to public mischief), 435 (mischief by fire or explosive substance), 120B (criminal conspiracy), 34 (common intention) of the Indian Penal Code.

He was sent to Tihar Jail on 3 April.

Second such case is of a 57-year-old tailor of Shiv Vihar, Haji Hashim Ali, who was arrested on 4 April. His 32 year old son Rashid recalls how the police, again in plainclothes, asked for his assistance in recognizing people. Hashim agreed. What followed next shook the family.

“But then when we saw from a distance, we saw him being made to sit in a van and taken away. I got scared and called my father up, he said he was coming back and this was only for investigations. The same night he was sent to Tihar Jail. While I asked my father what was happening, the policemen took the phone away saying ‘jaldi jaldi phone do’ (give me that phone) again and again. All my father could tell me was that he was being sent to jail”.⁷⁴⁷

The family is unsure about the FIR or the sections that have been slapped on Hashim. But could only explain what the cops told them and same time rubbishing their claims.

“The cops said something about how my father’s arm was visible in some video.

⁷⁴⁶ Iyer, A. S. (22 April 2020). Under Lockdown, Confusion & Fear Grip NE Delhi As Arrests Increase. *The Quint*. Retrieved from <https://www.thequint.com/news/india/north-east-delhi-violence-case-investigation-muslim-minority> [26 July 2020].

⁷⁴⁷ *Ibid.*

Our home was burnt during the riots. Our auto and two bikes which were parked on the ground were burnt. My father saw it burning in front of him. His hands were raised as he gesticulated to tell us to get out of the house. There is no evidence of him actually indulging in rioting”⁷⁴⁸

Hashim has been arrested under 147 (rioting), 148 (rioting, armed with deadly weapon), 149 (unlawful assembly), 427 (Mischief causing damage to the amount of fifty rupees), 436 (Mischief by fire or explosive substance with intent to destroy house, etc) of the Indian Penal Code.

Lawyers’ concerns brewed up in a letter they pitched had to the Chief Justice of the Delhi high court on April 11th, which was later revealed to the media on 21st of the same month. The letter highlights the issues relating to summoning, detention and arrest of persons by the police during the national lockdown in connection with the FIRs registered pursuant to the February 2020 violence in Delhi. These lawyers include Sowjhanya Shankaran, Tara Narula, Maneka Khanna and Nitika Khaitan.

The letter goes like this:

“In our limited experience with arrests in the riot-related FIRs (preceding the lockdown), several cases had little, if any, material tying the arrestee to the commission of offences alleged in the FIR, particularly to the commission of serious offences such as murder, attempt to murder and arson. The sole basis of such arrests would be, at best, the mere presence of the arrestee at the spot as disclosed in video footage (which ignored the fact that the arrestees were residents of the neighbourhoods where the riots broke out) and uncorroborated witness statements. In most cases, no police custody was sought at the time of first production, indicating that the arrestee was not required for investigation”⁷⁴⁹.

Tammana Pankaj, another lawyer who is looking after the cases said:

“When the riots happened, lots of videos went viral, where Kapil Mishra and Bajrang Dal leaders were provoking people. Where police officers were beating people up. If you want to arrest, arrest the culprits, why arrest people and conduct a crackdown on a particular community and those who are opposed to an ideology you are trying to espouse? No action has been taking against the BJP. Justice Murlidhar was transferred overnight when he ordered for action against people who gave hate speeches. Two months have passed, but no action has been taken yet?”⁷⁵⁰

According to a report of *Indian Express*, published on 13 September 2020, retired IPS officer and former Indian ambassador to Romania, Julio Ribeiro wrote a letter to Delhi Police

⁷⁴⁸ *Ibid.*

⁷⁴⁹ *Ibid.*

⁷⁵⁰ *Ibid.*

Commissioner (DCP), SN Shrivastava saying that police is taking action against “peaceful protestors” while ignoring provocative speeches delivered by the leaders of ruling dispensation.

“I write to you with a heavy heart. As a true patriot and a former proud member of the Indian Police Service I appeal to you to ensure a fair probe into the 753 F.I.Rs registered against peaceful protestors who rightly apprehend injustices born from bias and hate against a minority community. The Delhi Police has taken action against peaceful protestors but deliberately failed to register cognizable offences against those who made hate speeches which triggered the riots in N.E. Delhi. It troubles sane and apolitical persons, like me, why Kapil Mishra, Anurag Thakur and Parvesh Verma have not been arraigned before the Courts of law while deeply-hurt Muslim women, peacefully protesting against discriminations based on religion, were lodged for months together in jail![...]Kindly revisit the actions of the police under your command in Delhi to determine if they have been true to their oaths taken at the time of their induction into service,” he wrote.⁷⁵¹

After Julio Ribeiro, nine more IPS officers wrote an open letter to the Delhi Police Commissioner, S.N. Shrivastava questioning the flawed investigation of the Delhi Police into the communal violence that broke out in the national capital North-East district, and demanded inquiry without any biasedness. The letter also referred to Delhi Police Special Commissioner Parveen Jain’s attempt to influence investigations claiming “resentment among Hindus over the arrest of some rioters from their community”.⁷⁵² “Such a majoritarian attitude in the police leadership leads to a travesty of justice for the victims of violence and their family members belonging to minority communities. This would further mean that real culprits of the violence belonging to majority community are likely to go scot free,” the letter said.

“Basing investigations on “disclosures” without concrete evidence violated all principles of fair investigation. “While implicating leaders and activists, who expressed their views against CAA, all those who instigated violence and are associated with the ruling party have been let off the hook,” the letter added.⁷⁵³

⁷⁵¹ Express News Service. (13 September 2020). Retd IPS officer Julio Ribeiro questions Delhi riots probe. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/retd-ips-officer-julio-ribeiro-questions-delhi-riots-probe-6593874/> [17 September 2020].

⁷⁵² Manral, S. N. (16 July 2020). Resentment in Hindus on arrests, take care: Special CP to probe teams. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/hindu-resentment-north-east-delhi-riots-special-cp-6506063/> [17 September 2020].

⁷⁵³ Express News Service. (15 September 2020). 9 retd IPS officers raise questions on Delhi riot probe. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/9-retd-ips-officers-raise-questions-on-delhi-riot-probe-6596235/> [17 September 2020].

Reaction of Various Institutional Bodies

Exercising the powers under Section 10(h) of Delhi's Minorities commission,⁷⁵⁴ which looks into specific complaints regarding the deprivation of the rights and safeguards of the Minority Communities and to take up such matters with the appropriate authorities for necessary actions, the commission too expressed the same concerns in a series of letters to the DCP (NE) sent on March 18. Panel's chairperson Zafarul-Islam Khan mentioned "haphazard arrests" in which people have been picked up and later forced to admit to crimes they did not commit and individual cases of violence against Muslims, for which the perpetrators were not proceeded against.⁷⁵⁵

He also claimed that the Commission was "getting information that arrested youth are being pressurised to own up or to implicate others in crimes they apparently did not commit". Also, he charged that there was "information that in some cases such arrested youth are forced to pay huge bribes and if they do, they are let off." He also sought for a "complete SDM area-wise lists of compensation forms filed by victims of violence".

Apart from these cases there are a few cases which have stolen the highlights of all the arrests and detentions. It includes AAP MLAs, student activists, social workers, doctors, school owners etc., who have been pressed with charges of hatching conspiracies to lit these riots. The Police has registered a total of 750 cases and arrested over 1,300 people and claims that it is an equal number from both the communities. But, going by the First Information Reports and arrests, the 'conspirators' are activists or Muslim student leaders linked to the anti-CAA protests. All of them were arrested for allegedly organizing protests. But in most cases, stronger charges – like murder, sedition, terrorism, conspiring to hold riots - have been filed if the judges grant bail to the accused, calling the evidence against them flimsy.

⁷⁵⁴ Wire Staff. (21 March 2020). Delhi Riots: Amid Reports of 'Haphazard' Detentions, Minorities Panel Seeks Police Report. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-minorities-commission-report-police-minorities> [26 July 2020].

⁷⁵⁵ *Ibid.*

1. Tahir Hussain^{756; 757; 758; 759; 760; 761}

Aam Aadmi Party (AAP) councillor from Nehru Vihar was booked for murder and abduction, after being linked to IB Officer Ankit Sharma's death in Chand Bagh on February 24 and was arrested on March 16th. Sharma's body was fished out of a drain in Chand Bagh on February 26th. His post-mortem reports revealed 12 stabs and, 33 blunt injuries from constant thrashing by rods and sticks were found on the body.

"It has been found that Tahir Hussain is the main person who had been instigating the mob, both on 24th and 25th February, in the Chand Bagh area. We have enough electronic, forensic proof to establish our claims" said a senior police officer, who did not want to be named.

This chargesheet was filed on June 2nd on the basis of an FIR filed by Sharma's family. The AAP had suspended Hussain after his name cropped up in the investigation into the riots and expressed their anger over national security issues. Chief Minister of Delhi, Arvind Kejriwal said the following in a conference on February 28th:

"No one, be it any party, should be spared if they are responsible for inciting violence. Even if he is a part of my cabinet, he should be punished. If anyone from AAP is found guilty, they should get double the punishment. I personally believe, when it comes to national security and clashes.... I have been seeing this since morning, this matter should not be politicized. If anyone is accused from our side, give them double the punishment. Stop politicizing national issues."

There are also two other FIRs finds his mentions but not being accused directly. Instead, the complainants alleged that a mob had fired guns, pelted stones and petrol bombs from Hussain's house in Chand Bagh.

One of these FIRs, which states murder and criminal conspiracy charges, was registered on

⁷⁵⁶ Pratap, K. (05 March 2020). At least 102 hit by bullets in north-east Delhi riots: Cops. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/102-people-shot-at-over-13-000-distress-calls-received-in-two-days-of-rioting-police-report/story-gr15IfN9Sn4so5m7Po4ITM.html> [07 July 2020].

⁷⁵⁷ PTI. (16 March 2020). Suspended AAP councillor Tahir Hussain arrested in IB officer murder case. *The Hindu*. Retrieved, from <https://www.thehindu.com/news/national/suspended-aap-councillor-tahir-hussain-arrested-in-ib-officer-murder-case/article31082621.ece> [07 July 2020].

⁷⁵⁸ *Ibid.*

⁷⁵⁹ Ghosh, D. (27 February 2020). Arvind Kejriwal's Response On AAP Leader's Alleged Role In Delhi Violence. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/arvind-kejriwal-on-allegations-against-aap-leader-give-double-punishment-if-anyone-from-party-respon-2186690> [26 July 2020].

⁷⁶⁰ Bhardwaj, A. (03 June 2020). Tahir Hussain planned IB staffer Ankit Sharma's murder: Delhi Police in new chargesheet. *The Print*. Retrieved from <https://theprint.in/india/tahir-hussain-planned-ib-staffer-ankit-sharmas-murder-delhi-police-in-new-chargesheet/434640/> [26 July 2020].

⁷⁶¹ IANS. (27 February 2020). Petrol bombs, acid found in AAP councillor's home in Chand Bagh. *Outlook*. Retrieved from <https://www.outlookindia.com/newscroll/petrol-bombs-acid-found-in-aap-councillors-home-in-chand-bagh/1745908> [26 July 2020].

March 1st at the Dayalpur police station on the statement of Ajay Goswami, who suffered a bullet injury during the violence on February 25th. Goswami was admitted to Hindu Rao Hospital by his relatives and some locals. In his complaint, Goswami claimed that he was returning to his home in Khajoori Khas after meeting his uncle when he was hit by a bullet in a firing being done by some people.

Further,

“...the people who lifted me said that many people were firing and throwing petrol bombs, stones from Tahir Hussain’s home”.

The second FIR which talks of rioting, arson, assaulting security personnel and damaging property, registered at the Khajoori Khas police station on the complaint of a policeman, whose bike was torched by the rioters. The policeman in his complaint also mentions similar allegations of a mob throwing burning objects and stone pelting from Tahir’s home.

A number of petrol bomb bottles, acid pouches, and stones were also scattered on the rooftop and inside his Chand Bagh house. Videos, which went viral on social media, showed over 100 to 150 people pelting stones, throwing petrol bombs and acid on 24 - 25 February afternoon. In the same context, on March 3rd, the police even visited a factory in riot-hit Shiv Vihar after being informed that hundreds of litres of acid were stored in a factory and that it was used during the riots.

“We spoke to the factory owner who possessed a licence for storing acid. Whether the amount of stored acid was above the permissible limit, or the acid was supplied to fuel the violence is being probed,” said joint commissioner of police (eastern range) Alok Kumar.

2. Shahrukh⁷⁶²

On March 3rd, the police had arrested Shahrukh, 28, whose video showing him aiming a pistol at a policeman during the violence in Jafarabad went viral on social media.

⁷⁶² Pratap, K. (05 March 2020). At least 102 hit by bullets in north-east Delhi riots: Cops. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/102-people-shot-at-over-13-000-distress-calls-received-in-two-days-of-rioting-police-report/story-gr15IfN9Sn4so5m7Po4ITM.html> [26 July 2020]

3. Dr. MM Anwar^{763; 764; 765}

In one of the above chargesheets that was filed on June 2nd, another name was included with Hussain was Dr. MM Anwar- doctor and owner of Al-Hind hospital of New Mustafabad area, which had provided emergency treatment to several victims during the Northeast Delhi riots. This is the second chargesheet in which finds Anwar's mention.

“CDR (call detail record) analysis of accused Tahir Hussain revealed that since the start of anti-CAA protests in Delhi, he was in touch with other accused persons namely Liyakat Ali, Irshad, Shadab, Abid, Mohd Rehman alias Arshad Pradhan, etc already arrested in the case and with Khalid Saifi (anti-CAA protester and arrested rioter in Jagatpuri area), persons who were involved in organising anti-CAA protests in various sites such as Haji Mangta (protest site at Chand Bagh Mazar), Haji Ballo (protest site at Shri Ram Colony, Khajuri Khas), Wajid Khan (protest site at Shaheen Bagh), Dr MM Anwar (protest site at BrijpuriPulia near Farooqia Masjid) and with some advocates.”

Police also affixed a flowchart in the chargesheet naming Dr Anwar and other organisers, stating:

“All these persons, along with Tahir Hussain, have hatched a well-planned and deep-rooted conspiracy to precipitate and cause widespread riots in Northeast Delhi. Together, these persons are responsible for the death of 53 persons, injury to countless innocent individuals, destruction of properties worth crores of rupees and causing a tear in the social fabric of the nation as a whole.”

The first was in a chargesheet filed in connection with the murder of a 20 year old waiter Dilbar Negi, as the organiser of a protest whose participants indulged in violence. The chargesheet, filed on June 4 before Chief Metropolitan Magistrate Pawan Singh Rajawat at Karkardooma court, states:

“Since 15.01.2020, near the place of incident, at Farooqia Masjid, an anti-CAA/NRC protest was underway illegally in which several speakers, on several dates, had given instigating speeches. A false news was spread there that Muslims would not be given Indian citizenship due to NRC, and they would be sent to detention camps. On the outside, this protest site had pictures of BR Ambedkar, Shaheed Bhagat Singh, Mahatma Gandhi and the Tricolor was waived. However, one particular community was incited against the central

⁷⁶³ J, A. M., & Lakhani, S. (02 July 2020). Delhi riots: Hospital owner named in another riots chargesheet. *Indian Express*. Retrieved, from <https://indianexpress.com/article/cities/delhi/riots-hospital-owner-named-in-another-riots-chargesheet-6487667/> [07 July 2020].

⁷⁶⁴ *Ibid.*

⁷⁶⁵ Lakhani, S., & J, A. M. (27 June 2020). Waiter's murder: Delhi Police chargesheet names owner of hospital that treated riot victims. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/waiters-murder-delhi-police-chargesheet-names-owner-of-hospital-that-treated-riot-victims-6478365/> [07 July 2020].

government. Those who participated in this protest, who were incited on the night of 23.02.2020 took part in the violence following which the FIR... was registered at police station Dayalpur. The organisers of the protest which took place at Farooqia Masjid are 1. Arshad Pradhan 2. Dr Anwar, owner of Al-Hind hospital. The above mentioned persons could not be interrogated; they will be questioned later and we will accordingly investigate. The violence which took place on February 23-24 was not an isolated incident..."

4. Rajdhani School Owner and the Tablighi Jamaat Nexus^{766; 767; 768}

Hazrat Nizamuddin Markaz, which was in the news after it emerged as a coronavirus hotspot towards March-end, found a mention in the Northeast Delhi riots probe on 4 July 2020. The Indian Express⁷⁶⁹ report noted, Faisal Farooque, had "links with prominent members of Popular Front of India, Pinjra Tod, Jamia Coordination Committee, Hazrat Nizamuddin Markaz and some other fundamental Muslim clerics, including Deoband" which, along with his "call detail analysis", shows "the depth of the conspiracy". Police claim the probe into violence outside Rajdhani Public School has revealed that Farooque "had hatched a conspiracy to precipitate and aggravate the riots in and around the school".

A case was registered on the basis of a complaint received from the owner and manager of DRP Convent Public School, which is adjacent to Rajdhani School. As per the police statement, "*The rioters had camped inside and fired bullets from the terrace of Rajdhani School. They also threw petrol bombs, acid, bricks, stones and other missiles using an improvised large iron catapult, specially installed for the purpose, from the terrace of Rajdhani School.*"

However, later, on 8 July along with Rajdhani School owner Faisal Farooque, the Delhi Police chargesheet into the Northeast Delhi riots also mentioned Tablighi Jamaat chief Maulana Saad and claims go like that Saad's rise in the Tablighi Jamaat coincided with the rise of Rajdhani School owner Faisal Farooque in terms of acquisition of properties in Northeast district of Delhi.

On the Tablighi chief, Maulana Saad, the chargesheet states:

"After Saad rose to power in Tablighi Jamaat, it has been noticed that Faisal Farooque has also risen in terms of acquisition of real estate in Northeast

⁷⁶⁶ *Ibid.*

⁷⁶⁷ Menon, A. (12 June 2020). New Charge Sheet Links Tablighi Jamaat & Deoband to Delhi Riots. *Quint*. Retrieved from <https://www.thequint.com/news/breaking-news/northeast-delhi-violence-tablighi-jamaat-deoband-pinjra-tod-police-chargesheet> [07 July 2020].

⁷⁶⁸ J, A. M., & Lakhani, S. (07 July 2020). Delhi riots: Maulana Saad, AAP MLA and owner of Al-Hind hospital find mention in chargesheet against Rajdhani school owner. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/ne-delhi-riots-maulana-saad-aap-mla-and-owner-of-al-hind-hospital-find-mention-in-chargesheet-against-rajdhani-school-owner-6495129/> [07 July 2020].

⁷⁶⁹ Lakhani, S. (04 June 2020). Delhi Police probe links Northeast riot accused to Nizamuddin Markaz. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-police-probe-links-ne-riot-accused-to-nizamuddin-markaz-6441614/> [26 July 2020].

district.”

Farooque and 17 others were chargesheeted by the Delhi Police at the Karkardooma court on June 3. It is alleged that Farooque was in contact with the conspirers of the riots in Northeast Delhi”. The charge sheet also finds names of people like Haji Yunus, the AAP MLA from Mustafabad, as an “intermediary”, Dr M A Anwar, the owner of New Mustafabad’s Al Hind hospital that provided emergency treatment to victims during the riots. The charge sheet has a flowchart titled CDR (call detail record) analysis:

Farooque was in touch with the local Muslim leaders. The “phone connectivity between him and Abdul Aleem of Banglewali Masjid Markaz” (commonly known as Nizamuddin Markaz) claims that “Aleem is a close associate of Maulana Saad, who is the head of Tablighi Jamaat”. Farooque and Aleem were in touch with each other via phone calls and SMS at least 13 times between February 20 and March 3.

The chargesheet stated:

“Faisal Farooque played a pivotal role in organising riots in and around Rajdhani School. Abdul Aleem, by virtue of holding an important position in Tablighi Jamaat leadership, could have played a role in facilitating Faisal Farooque. Further investigation into this aspect in this case is being done”.

The chargesheet also lists the properties bought by Farooque and his father “after 2014 – since Saad came to power in the Tablighi Jamaat”. The chargesheet connects the year after which Saad came to power and Farooque being a regular attendee of the Markaz:

“Maulana Saad rose to power in the Tablighi Jamaat in 2014... Farooque is a regular attendee of the markaz... his closeness to the Tablighi Jamaat is apparent in his regular contact with Abdul Aleem, who is a close associate of Maulana Saad.”

On 29 June 2020 Zee News⁷⁷⁰ report noted that upon scrutinising accounts of Saad and other Tablighi Jamaat members, Enforcement Directorate (ED) have found evidence against the Jamaat chief, that establish his links with northeast riot accused and suspended AAP MLA Tahir Hussain and another Delhi riot accused Faisal Farooque.

Farooque is the owner of Delhi’s Rajdhani School. In the last few months, the probe agency conducted multiple raids and searches at Tahir Hussain and other people associated with him and recovered several documents from there. Investigation revealed that all three Saad, Tahir and Farooque acquired quite a lot of assets in the last few years. The ED also figured out that Saad has made investments in the building of Rajdhani School, which is

⁷⁷⁰ Shukla, M. (29 June 2020). ED probe reveals Tablighi Jamaat chief Maulana Saad’s link to Delhi riot accused Tahir Hussain. *Zee News*. Retrieved from <https://zeenews.india.com/india/ed-probe-reveals-tablighi-jamaat-chief-maulana-saads-link-to-delhi-riot-accused-tahir-hussain-2292584.html> [07 July 2020].

owned by Faisal Farooque, the mastermind of Delhi riots. Besides, Saad also had invested his black money in another school owned by Farooque.

Maulana Saad's lawyer Shahid Ali told *The Indian Express*,⁷⁷¹ "The claims are false. Maulana Saad and the Markaz have nothing to do with this case".

The Delhi Police on 9th June filed another chargesheet probing into the violence near Rajdhani School in Shiv Vihar. There are two broad aspects: violence that took place on February 24th and the alleged criminal conspiracy. The case has been registered on the complaint of the owner of the school located adjacent to Rajdhani School- DRP Convent Public School. According to a press note:

"The rioters had camped inside and fired bullets from the terrace of Rajdhani School. They also threw petrol bombs, acid, bricks, stones and other missiles using an improvised large iron catapult, specially installed for the purpose, from the terrace of Rajdhani School. The rioters had used ropes to climb down from the terrace of Rajdhani School into the compound of DRP Convent School and then the mob had set the school on fire."⁷⁷²

Further,

"The mob had looted the computers and other expensive items from DRP Convent School. They had also burned down a building belonging to Anil Sweets, which stood right in front of Rajdhani School, on the other side of the road. Dilbar Negi, an employee with Anil Sweets, was trapped inside and his charred dead body was found later by the police".

18 including Farooque have been arrested in this case under the following charges: Sections 147, 148, 149, 153-A, 307, 395, 436, 455, 120B, and 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

According to the police's theory,

"On his (Farooque's) instructions, the adjacent and rival DRP Convent School, 2 parking lots run by the other party and the building of Anil Sweets was systematically destroyed by the mob. This is evident from the statement of witnesses, which include the guard at DRP School and his own guard at Rajdhani School. During investigation it has been found that Faisal Farooque had hatched a conspiracy to precipitate and aggravate riots, in and around Rajdhani School".⁷⁷³

As part of this theory, the police also claimed Farooque's links to a number of

⁷⁷¹ J, A. M., & Lakhani, S. (02 July 2020). Delhi riots: Hospital owner named in another riots chargesheet. *Indian Express*. Retrieved, from <https://indianexpress.com/article/cities/delhi/riots-hospital-owner-named-in-another-riots-chargesheet-6487667/> [07 July 2020].

⁷⁷² *Ibid.*

⁷⁷³ *Ibid.*

organisations such as Tablighi Jamaat Markaz, Pinjra Tod, Jamia Coordination Committee and Darul Uloom Deoband. “His call detail analysis and links with prominent members of Popular Front of India, Pinjra Tod group, Jamia Coordination. With respect to Farooque’s links with Deoband, it was found that Faisal Farooque had visited Deoband just one day before the riots started, i.e. on 23.2.2020.

The police further alleged that on the day of the violence, Muslim children left the school early.

“Evidence of conspiracy is further brought out by the fact that on the day of riots, i.e. 24.2.2020, many children from Muslim families left the school early, along with their parents, during the half time recess itself”.⁷⁷⁴

However, the police seemed to provide only one-sided information. According to the *Quint’s* reportage of locals in the vicinity of the school, they found out that not just Muslim children but even Hindu children left early that day and that this happened even in the neighbouring schools as well.

5. Advocate DS Bindra, Yogendra Yadav, Kwalpreet Kaur⁷⁷⁵

Charge sheet filed by Delhi Police in the death of Constable Ratan Lal under FIR 60 mentioned a Delhi based advocate DS Bindra. He came into prominence after having put up a Langar or community kitchen, during the Anti-CAA-NRC protests at Shaheen Bagh. For a brief while he had also organised the public kitchen at the anti-CAA protest site at Chandbagh.

“All I did was to put up a Langar. I only did what my faith taught me, what our Gurus taught us. I don’t understand why I am being targeted because of that”, said Bindra

The basis of allegations against Bindra set on a number of testimonies.

First one is from constables Sunil and Gyan Singh who, according to the charge sheet, were beat officers in the area.

“They are beat officers and had been regularly visiting the protest site and according to them Salim Khan, Salim Munna, DS Bindra, Suleman Siddiqui, Ayub, Athar, Shahdab, Upasna, Ravish and others were organisers of the protest site”.

According to one Akram Ahmad, Bindra along with others requested him to set up the tent arrangements for the protest and one Dushyant Kishore said that Bindra asked him to

⁷⁷⁴ *Ibid.*

⁷⁷⁵ Iyer, A. S., & Menon, A. (18 June 2020). ‘Is Langar A Crime?’: DS Bindra on His Name Being Linked to Riots. *The Quint*. Retrieved, from <https://www.thequint.com/news/politics/delhi-riots-ds-bindra-langar-chandbagh-chargesheet-chandbagh-ratan-lal> [07 July 2020].

prepare langar. The charge sheet also cites nearly identical testimonies by Najam Ul Hassan, Toukir and Salman alias Guddu regarding Bindra's role.

Testimony by Najam Ul Hasan in the chargesheet goes like,

"DH Bindra requested locals to carry out a demonstration against CAA and he said that 'I will put up a langar and medical camp. The entire Sikh community is with you. If you don't come forward then your fate will be similar to that of Sikhs in 1984'".

While the charge sheet alleges that Bindra organised the protest, it hasn't tied him to any act of violence such as Ratan Lal's killing. While Bindra is mentioned, his name does not figure in the list of the 17 accused by the police in Lal's murder. The allegations are about riots being the handiwork of Bindra among others.

Delhi Police's Charge Sheet on FIR No. 60,

"The riot at this site was the handiwork of DS Bindra, Salman Siddiqui, Salim Khan, Salim Munna, Shahdab and Athar and others in cahoots with local rioters".

Bindra categorically denies being a part of the violence as well as being the main organiser of the protests.

"As I told you, I just put up a langar. This is part of my Sikh faith. People from every community ate at the langar without discrimination - be it Sikhs who had come from Punjab to join protests or local Muslims. Even others who wanted vegetarian food would come".

Apart from Bindra, Delhi Police has also named Swaraj India President Yogendra Yadav and a student leader Kawalpreet Kaur in a chargesheet filed in the murder of head constable Rattan Lal. The three have not been named in the list of 17 accused, rather the charge sheet states:

"Links of the organisers of the (Chand Bagh) protest site with the likes of D S Bindra, Kawalpreet Kaur, Devangana Kalita (Pinjra Tod), Safoora, Yogendra Yadav, etc itself indicates a hidden agenda behind the violence".⁷⁷⁶

Speaking to *Indian Express*, Yadav said, "Everything that I spoke is in the public domain. Please point out one instance where I have directly or indirectly incited violence of any kind."

⁷⁷⁶ Outlook Web Bureau. (20 June 2020). Delhi Riots: Police Mention Yogendra Yadav's Name In Chargesheet In Constable's Death. *Outlook*. Retrieved from <https://www.outlookindia.com/website/story/india-news-delhi-riots-police-mentions-yogendra-yadavs-name-in-chargesheet-in-constables-death/355151> [26 July 2020].

6. United Against Hate (UAH)^{777; 778}

United Against Hate is a fact-finding group started in 2017 during the #NotInMyName protests that had been triggered by a series of alleged hate crimes by Khalid Saifi and Jawaharlal Nehru University alumnus Umar Khalid, later accompanied by various other social activists and lawyers.

On 26 February, Saifi was arrested by Jagatpuri police from the Khureji Khas anti-Citizenship Amendment Act protest site for his alleged involvement in the North-East Delhi riots and has been in custody. Delhi Police named him in the charge sheet, saying the February riots were part of a “deep-rooted conspiracy” that had links with UAH and its members Saifi and Umar Khalid.

The Delhi Police charge sheet pointed to an alleged nexus of Ex-AAP leader Tahir Hussain Saifi and Umar Khalid. The chargesheet says,

“During investigation, it was also revealed that the accused Tahir Hussain was in touch with Khalid Saifi who is connected with Unite Against Hate Group. Tahir Hussain was also connected to Umar Khalid through Khalid Saifi. Khalid Saifi had arranged Tahir’s meeting with Umar Khalid on 08.01.2020 at Shaheen Bagh.”

Further,

“In that meeting, it was decided to have a big blast so that the Central Govt. could be shaken on the issue of CAA/NRC and so as to defame the country in the international arena... These riots were planned to be happened during or prior to the visit of US President Donald Trump in the month of February, 2020.”

Nearly three months before the charge sheet, Union Home Minister Amit Shah too had named UAH in his speech in the Lok Sabha with respect to the Delhi riots.

“United Against Hate – the name sounds so pious but look what they advocated. They said, ‘(Donald) Trump is about to come, we should block the streets’.”

⁷⁷⁷ Khan, F. (20 June 2020). United Against Hate, the ‘fact-finding’ group accused of conspiracy in Delhi riots. *The Print*. Retrieved from <https://theprint.in/india/united-against-hate-the-fact-finding-group-accused-of-conspiracy-in-delhi-riots/442438/> [26 July 2020].

⁷⁷⁸ Sabhrang India Staff. (n.d.). United against Hate condemns implication of Khalid Saifi and Ishrat Jahan in false charges. *Sabhrang*. Retrieved from <https://www.sabhrangindia.in/article/united-against-hate-condemns-implication-khalid-saifi-and-ishrat-jahan-false-charges> [26 July 2020].

7. Pinjra Tod members^{779; 780; 781; 782}

Natasha Narwal, 30, and Devangana Kalita, 32, who were arrested from their homes on 23 May 2020 are students of Delhi's Jawaharlal Nehru University and are part of a women's collective called "Pinjra Tod", which works towards equal rights of women college students. Initially, they were charged with obstructing public servants in discharge of their duties and using criminal force on them, at the Jaffrabad protest site.

Even though the FIR filed in the case did not mention any assault or criminal force against a public servant – the FIR just stated that the two activists were among those who led a group of women and children to hold a sit-in protest, but it does say that they blocked traffic and raised slogans against the CAA – they were booked under IPC sections 186 (obstructing public servant in discharge of public function), 188 (disobedience to order duly promulgated by public servant), 353 (assault or criminal force to deter public servant from discharge of his duty), 283 (danger or obstruction in public way or line of navigation), 341 (punishment for wrongful restraint), 109 (punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment), 147 (rioting) and 34 (common intention) of the Indian Penal Code.

When the case went to the court, the judge decided to grant bail to the women, saying the charges of assault against public servants were "not maintainable" and the accused were "merely protesting against the NRC and CAA and did not indulge in any violence." As soon as the judge made these oral observations, which were widely reported in all daily newspapers, officers from the Crime Branch moved an application seeking their arrest in a separate case under charges of murder, attempt to murder, rioting and criminal conspiracy. The police sought their custody for 14 days, but the judge granted only two days. The FIR filed by the Crime Branch also does not specifically provide evidence of the role of the activists but says that the mob at Jaffrabad disobeyed police instructions, used firearms against them and caused damage to public and private property.

The two separate charge sheets were filed on June 2nd in connection with the violence at Jafrabad and Chandbagh areas respectively. These are the Jafrabad riot case and its FIR

⁷⁷⁹ Wire Staff. (02 July 2020). Delhi Riots: Man Who 'Named' Pinjra Tod Activists in Confession Says He Doesn't Know Them. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-shahrukh-khan-confession-devangana-kalita-natasha-narwal> [07 July 2020].

⁷⁸⁰ Jain, S., Dwivedi, S., & Sanyal, A. (26 May 2020). Arrests Of 2 More Students In Delhi Riots Case Raise Questions. *NDTV*. Retrieved from <https://www.ndtv.com/india-news/delhi-violence-arrests-of-2-more-students-in-delhi-riots-case-raise-questions-2235640> [07 July 2020].

⁷⁸¹ Singh, P. P. (07 July 2020). Clamour for Kalita innocence a ruse, says police in court. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/clamour-for-kalita-innocence-a-ruse-says-police-in-court-6495141/> [07 July 2020].

⁷⁸² Iyer, A. S. (29 May 2020). Delhi Riot Probe: Who Are Pinjra Tod & Why Did They Join CAA Stir? *The Quint*. Retrieved from <https://www.thequint.com/news/india/pinjra-tod-anti-cao-protests-delhi-police-probe-north-east-delhi-riots> [07 July 2020].

number is 50. The Jaffrabad case chargesheet accuses Natasha Narwal and Devangana Kalita of being “actively involved in hatching the conspiracy to cause riots near Jafrabad Metro Station, Delhi”. “They were also part of a larger conspiracy and were found to be connected to the ‘India Against Hate’ group and Umar Khalid,” the police said in its release. ‘India Against Hate’ mentioned by the police, is presumably United Against Hate, of which Khalid is a founding member. As part of the evidence, the police have cited a WhatsApp message which it claims to have found in the phone of one of the accused. The message seems to be giving locals tips on how to defend themselves in the eventuality of an attack.

“This message reveals the conspiracy and the extent of preparation for causing riots in Delhi,” the police have alleged.

The message cited by the police says:

“Dange ke halat me Ghar ki Auratein Kya kren:

- a. Ghar me garam khaulta hua pani or tel/oil ka intezam kare.
- b. Building ki seedhiyo pr tel/shampoo/surf dalde.
- c. Lal mirchpani garam me/ya powder ka istemal kre.
- d. Darwazo ko mazboot kare, jald se jald Grill/Iron wala gate Lagwae.
- e. Tezab ki bolte ghar me rkhe.
- f. Balcony/terrace par eit or Pathhar rakhe.
- g. Car/bikes se petrol nikal kar rkhe.
- h. Lohe k darwazo me switch se current ka istemal kre.
- i. Ek building se doosri building me jane k liyeraste ka intezamkre.
- j. Building ke sare mard hazrat ek Saath building na chhoden, kuchh log female safety ke liye ruken.”

Delhi police has claimed that a 24-year-old car mechanic, Shahrukh Khan, who had been charged for rioting and murder of an 18-year-old Amaan during the northeast Delhi violence, whose chargesheet was filed on June 2nd, had named Kalita and Narwal in his confessional statement. Khan⁷⁸³ was himself severely injured in the riots and has completely lost vision in one eye and 90% vision in the other eye when hit by bullet shards. Khan and his family alleged that he was brutalised by the police and were made to pay Rs 10,000 to them just to ensure he was not beaten more during his interrogation. In a confession statement purportedly obtained from Khan, the police claim that he named

⁷⁸³ Wire Staff. (02 July 2020). Delhi Riots: Man Who ‘Named’ Pinjra Tod Activists in Confession Says He Doesn’t Know Them. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-shahrukh-khan-confession-devangana-kalita-natasha-narwal>[07 July 2020].

Mohammed Faizan, Natasha Narwal, Devangana Kalita, Suhasini, Gul, and others as having been involved in the incident. Khan and his family have denied this. He said that the police made him sign a statement which he couldn't read as he had almost been blinded and his mother, who was with him, is illiterate. "We don't know what they wrote in it," he said. He also said that he has not even heard of Pinjra Tod activists Devangana Kalita or Natasha Narwal.

The police had invoked Sections 149, 186, 353, 332, 333, 323, 283, 188, 427, 307, 302, 120b and 34 of the Indian Penal Code along with the Arms Act and Prevention of Damage to Public Property Act in the charge sheet against both.

On 07 July, police also stated in court that

"..the clamour of the accused petitioner of being innocent is just a ruse, and there is more than prima facie case against the petitioner which is sufficient in law to maintain the charges against her". "Petitioner (Kalita) herself is guilty of peddling a false social media narrative of state-sponsored oppression and subjugation against a particular community which incited the Delhi riots, and after the riots, she is guilty of peddling a false narrative of a political vendetta, state-sponsored pogrom, persecution and malicious prosecution against the said community," police stated in their counter affidavit.

As per the petition in court, Kalita is accused in four FIRs, including one for allegedly participating in protests in Darya Ganj on December 20 last year and two for her alleged role in the anti-CAA Jafrabad sit-in protest in February.

8. Safoora Zargar⁷⁸⁴

On 10 April around 10 police officers including one woman constable from the Special Cell knocked at her Ghaffar Manzil flat. After a 10 minutes of routine investigation, they took her with them to Delhi Police's Special Cell office, Lodhi Road. After a six hour interrogation, they arrested her.

On 13 April, a district & sessions court granted bail to Safoora considering her pregnancy and that most of the offences were bailable. Special Cell investigators immediately rearrested her under another FIR, adding 18 more offences including criminal conspiracy, murder, dacoity, attempt to murder and unlawful assembly.

In reaction to the bail applied by Safoora on April 18th, on 21 April, Delhi police invoked Unlawful Activities Protection Act i.e. UAPA (sections 13, 16, 17 & 18) in Safoora's case. The only specific allegation against Safoora was that she visited one of the protest sites and delivered an 'inflammatory' speech. The court refused her bail on the grounds that the

⁷⁸⁴ Raza, D. (01 July 2020). The Inner World Of Safoora Zargar. *Article 14*. *etrieved from* <https://www.article-14.com/post/the-inner-world-of-safoora-zargar> [07 July 2020].

charges levied against her were of a grave nature and could only be tried by a sessions court. On 2 June, a district and sessions court in Delhi refused her bail through an order that has come under severe criticism from civil rights experts and lawyers for criminalising the exercise of fundamental rights.

“One cannot ignore the case of the prosecution that the accused persons have conspired to cause disruption of such an extent and magnitude that it would lead to disorderliness and disturbance of law and order of an unprecedented scale,” the order reads.

On the blog *Indian Constitutional Law and Philosophy* a Supreme Court lawyer Gautam Bhatia wrote:

“The order is disturbing because it takes the Unlawful Activities Prevention Act, a law so stringent that it precludes judges from granting bail if even a “prima facie” case is made out, and then stretches its provisions from one side, and the facts from the other, to ensure that the prima facie case is made out.”

Zargar was finally granted bail on 23rd June and was asked to furnish a personal bond of Rs 10,000 and was instructed to follow two conditions. Firstly, she should not indulge in activities for which she is being investigated and which are infractions of law. Secondly, she should not hamper the investigation or influence witnesses.

Below are the arrests and chargesheets that were filed in the cases of arsoning, planning-plotting of rioting and murdering Muslim men and women:

1. Accused in 85 year old Akbari Begum’s death⁷⁸⁵

Around six accused- Arun Kumar (26), Varun Kumar (22), Vishal Singh (29), Ravi Kumar (24), Prakash Chand (36) and Suraj Singh (28) have been charged under the murder case of 85 year old Akbar Begum, who died of suffocation and burn injuries during the Delhi riots. Arrests were made on the basis of eight videos identifying the murder accused at the scene of the crime.

According to the Police, these videos were recorded by eyewitnesses and capture, in chilling detail the sequence of events: how Akbari Begum’s family was trapped on the rooftop of the house in Bhajanpura – the elderly victim couldn’t reach there – and how the accused walked out of the house after setting it ablaze.

All six accused are in judicial custody. The chargesheet was filed in the court of Chief Metropolitan Magistrate, Karkardooma. Apart from treating the videos as

⁷⁸⁵ M, K. S. (08 July 2020). Delhi riots: In murder of 85-year-old, key accused caught on eight videos says police. *Indian Express*. Retrieved from <https://indianexpress.com/article/india/delhi-riots-in-murder-of-85-yr-old-key-accused-caught-on-eight-videos-police-6495070/> [26 July 2020].

“direct/electronic evidence,” that identified all the accused, the police have also placed on record disclosure statements of four accused. This is to establish the identity of the co-accused. These have been also placed on record as the confession statements of accused Prakash Chand, Suraj Singh, Vishal Singh, Ravi Kumar and are recorded under the section 161 of CrPC.

The chargesheet says,

“The arrested accused persons and other members of the mob with common intent took to active rioting and set on fire the house of the complainant, in which an innocent old lady was killed. The complainant is an entrepreneur and had a small stitching unit in this building, through which he earned his livelihood. By burning the building, the rioters have caused huge financial losses and put an entire family in great economic peril...the accused persons had no personal enmity...but took to violence due to communal frenzy.”

Key highlights of the video:

- Video clip 1, 1.04 minutes: Accused Varun Kumar is “seen coming out of the complainant’s house, while the house is set on fire”.
- Video clip 2, 3.12 minutes: Accused Suraj Singh and Ravi Kumar “are clearly seen as active members of the rioting mob.” Another video shot from the rooftop by one of Salmani’s employees corroborates this.
- Video clip 2 A: “Family members and employees of the complainant are seen trapped on the rooftop of the scene of crime and thick black smoke is coming out of this house.”
- Video clip 3: Accused Ravi Kumar and Prakash Chand are “seen as part of the mob”. The cellphone that recorded the video “was very much active” at the crime scene on that day and at that time. A second video corroborates the presence of these two.
- Video clip 4: “Shops near the crime scene being set on fire... accused Arun Kumar, Varun Kumar, Suraj Singh and Vishal Singh are seen as active part of the mob.”

2. Sahil Parvez’s Father⁷⁸⁶

On the basis of the FIR, filed by Sahil Parvez on 19 March at the Idgah relief camp, over twenty men were questioned and 16 arrested from North Ghonda. Parvez’s father had died during the riots on February 25th. *The Quint’s* reportage confirms that these sixteen accused were either active members of the Rashtriya Swayamsevak Sangh (RSS), post-holders, or had visited the local shakha on and off. Charges imposed on the are: murder

⁷⁸⁶ Iyer, A. S. (03 July 2020). Delhi Riots Exclusive: RSS Members Arrested for Murder, Rioting. *The Quint*. Retrieved from <https://www.thequint.com/news/india/delhi-riots-rss-vhp-members-accused-murder-rioting-arrested-delhi-police> [07 July 2020]

(Section 302), rioting (Section 147), rioting armed with deadly weapon (Section 148), being part of an unlawful assembly (Section 149) and criminal conspiracy (Section 120 B) on 9 April. The Sangh has claimed they are being targeted and the police probe shows that 'neither did they make an attempt to ascertain the facts nor did they take any action against the Muslims involved in the riots.'

His complaint says,

"In the evening at around 7:00 pm (the next day on 25 February) when me and my father went out to offer prayers, in the street ahead of us outside Sushil, Jaiveer, Devesh Mishra (gali 8) and Naresh Tyagi were standing with swords, guns and sticks in their hand. When he saw my father, Sushil shot bullets towards us. My father fell on the floor and I ran to save my life."

He saw Devesh and Jaiveer coming close to his father, kicking him and taking things out of his pocket. He added,

"They kept screaming that today they will not let us stay alive".

- Devesh Mishra, who has been named by Parvez in his complaint, has not been arrested or charge sheeted yet. He has been working with the Sangh since 1996 and for the last eight years has been the Yamuna Vihar district in-charge for the RSS. He was later moved to the Vishwa Hindu Parishad and became their district vice president.
- Another person named in the complaint, but not arrested, is Subhash Tyagi.
- Two of Subhash's brothers- Uttam Tyagi and Naresh Tyagi- are among the sixteen who have been arrested by the police on April 9th.
- Another accused, Hariom Mishra, had the responsibility to conduct a shakha every morning in north Ghonda.
- Another accused, Rajpal Tyagi, was a mathematics teacher and used to regular visit the Shaheed Bhagat Singh Park shakha every morning. "He was not given more responsibilities as he was a teacher and only had so much time," Devesh explained.
- Brothers Atul Chauhan and Virendra Chauhan, Deepak Kumar, Sushil and Uttam Mishra were all people who visited the RSS Shakha on and off and especially helped campaign for the BJP during the elections, Devesh confirmed.
- Jaiveer Tomar and Chiranjeev. Both were supporters of the Sangh and their ideology.

3. Ragni Tiwari alias Janki Behen^{787;788}

“Bahut hua sanatan par vaar, ab nahi sahenge vaar. Sanataniyo baahar aao. Maro ya maar daalo. Baad mein dekhi jayegi. Bahut hua. Ab jiska khoon na khaula, khoon nahi wo paani hai”.

(Enough attacks on Hinduism. We won't tolerate such attacks anymore. Hindus, come out. Die or kill. Rest shall be seen later. If your blood hasn't boiled even now, it's not blood but it is water). These were evidently provocative words uttered on a Facebook live video near Maujpur on February 23rd by styled Hindutva leader Ragini Tiwari alias Janki Behen. Less than four months later, neither Ragini Tiwari's Facebook account can be traced nor her name finds mention in the detailed chronology provided by the Delhi Police in their charge sheet that outlines the various speeches and events that escalated to the riots.

In the same video, when someone presumably seemed like he was from the Bhim Army, came into her line of sight, Tiwari could be heard saying,

“Kaat daalo, jo bhi hai, kaat daalo... Bhimti hai kya?”. (Cut him up, whoever it is cut him up. Is he a Bhimta - a disrespectful term used for Babasaheb Ambedkar's supporters?).

*“Kapil Mishra tum lath bajao, hum tumhare saath hain. Mullo par tum lath bajao hum tumhare saath hain. Ch***ro par tum lath bajao, hum tumhare saath hain. Ravan par tum lath bajao, hum tumhare saath hain.”*⁷⁸⁹ (Kapil Mishra, you attack with sticks, we are with you. Attack Muslims with sticks, we are with you. Attack Jatav Dalits with sticks, we are with you. Attack Bhim Army Chief Chandrashekhar Azad 'Ravan' with sticks, we are with you)

Eyewitness' accounts have been signed and submitted to SHO Gokulpuri Police Station, with copies sent to the Prime Minister of India, the home minister, the Lieutenant Governor of Delhi, Delhi's Commissioner of Police, Joint Commissioner of Police, the area's Deputy Commissioner of Police, the National Human Right's Commission as well as the National Commission for Minorities.

The statement has a police stamp saying, “received on 19/03/20”. Excerpts of it says,

“At around 9 PM (on 23 February) I saw Ragini Tiwari come in a car with some people. The people accompanying were carrying big guns and she began giving

⁷⁸⁷ Nandy, A., & Menon, A. (17 July 2020). 'Bhimti Hai Kya? KaatDaalo': The Anti-Dalit Side of Delhi Riots. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/northeast-delhi-riots-dalits-muslims-hindutva-kapil-mishra-bjp> [26 July 2020].

⁷⁸⁸ Iyer, A., & Menon, A. (30 June 2020). 'Kaat Do' Said Ragini Tiwari, 'Eyewitness' Saw Her Firing Bullets. *The Quint*. Retrieved from <https://www.thequint.com/news/politics/delhi-violence-probe-riots-ragni-tiwari-hindutva-bjp-muslims> [26 July 2020].

⁷⁸⁹ *Ibid.*

her speech. Often while making people chant slogans, she would fire bullets in the air, after which the mob began losing control.

“Then at around 10 PM near Mohan Nursing Home, where she was giving her speech, the mob was chanting slogans Ragini Tiwari Zindabad” “Desh ke gaddaro ko, goli maaro saalo ko (shoot the traitors)”, “Musalmaano ke do hi sthan, Pakistan ya qabristan (there are only two places for Muslims – Pakistan or the graveyard)” and vitiating the atmosphere. Ragini Tiwari was the first to shoot at us and it hit the head of a boy who was standing there. This caused confusion. After this, there was stone pelting and firing. This is when I ran home.”

A story by *ABP News* confirmed a few aspects of this statement, most importantly the timing. It confirmed that Tiwari was indeed present in the area until the time claimed by the statement. In fact the *ABP News* report also showed that she was there until early morning.⁷⁹⁰ The story made an important revelation about her presence and blocking of roads with her supporters. Tiwari herself confirmed this to the reporters. Despite evidences and such confessions, police’s chargesheet doesn’t mention her name. The police narrative shows biasness for according to them one side was blocking the road. *Quint* has reached out to the concerned SHO of Jaffrabad police station who said he did not have information about this complaint, “*I came to this post very late, it has only been a month and a half, I do not know anything about this complaint,*” he abruptly cut the phone after saying this.

⁷⁹⁰ *ABP News*. (28 February 2020). दिल्ली हिंसा: रागिनी तिवारी ने उगला जहर, सोशल मीडिया के जरिये लगाई दंगा भड़काने वाली आग. (Delhi Violence: Ragni Tiwari delivered incendiary speeches, used social media to incite violence). *ABP News*. Retrieved from <https://www.abplive.com/news/india/delhi-violence-ragini-tiwari-controversial-social-media-video-1314399> [17 September 2020].

5. RELIEF AND REHABILITATION

From 23 - 26 February 2020, communal violence engulfed the North-East part of the National Capital. It started as a face-off between those protesting against the Citizenship Amendment Act and those supporting it. In light of the loss of lives, livelihood, and property - On 27 February 2020 Delhi government of Aam Aadmi Party led by the Chief Minister Arvind Kejriwal announced⁷⁹¹ a compensation of Rs 10 lakh to the family of those who lost their lives, and Rs 5 lakh ex gratia in case of the deceased person being a minor. It further announced Rs 2 lakh to those with serious injuries and up to Rs 5 lakh to those whose houses were burnt.⁷⁹²

The government also extended its *Farishte* Scheme, which covers the cost of treatment for accident victims in private hospitals, to the victim of riots.⁷⁹³ At the press conference Arvind Kejriwal said, "We held many meetings today. Those who have been affected by the riot...we have taken decisions for their rehabilitation. Those who have been injured, government hospitals will take care of their expenses".⁷⁹⁴ He also said that the government will also organize special camps for those who lost their documents in this violence. Finance department has been asked to tie up with insurance companies so that these claims can be settled at the earliest.⁷⁹⁵

Further, on 4 March 2020, Arvind Kejriwal tweeted that on 2 March 2020 the Delhi Cabinet approved a compensation of INR 1 crore for the family of IB staffer Ankit Sharma, who was killed during the north-east Delhi riots in February.⁷⁹⁶ Arvind Kejriwal tweeted, "Ankit Sharma was brutally murdered during the Delhi riots. We had announced a compensation of Rs 1 crore for his family. Today, the Cabinet has approved that decision. Hopefully, the amount will reach his family very soon".⁷⁹⁷ For Delhi Police head constable Ratan Lal who was also amongst those killed, the Kejriwal government had also announced a compensation of Rs 1 crore for Lal's family on 26 February 2020. Ratan Lal died of bullet injuries in the clashes in Gokalpuri on 24 February 2020.⁷⁹⁸

⁷⁹¹ Delhi government's assistance scheme: <https://delhi.gov.in/Relief.html>

⁷⁹² Khanna. P. (27 February 2020). Delhi violence: Kejriwal announces relief measures for affected areas. *Livemint*. Retrieved from <https://www.livemint.com/news/india/delhi-violence-kejriwal-announces-relief-measures-for-affected-areas-11582804278679.html> [28 July 2020].

⁷⁹³ *Ibid.*

⁷⁹⁴ *Ibid.*

⁷⁹⁵ *Ibid.*

⁷⁹⁶ HT Correspondent. (02 March 2020) Delhi govt announces Rs 1 crore compensation for IB official Ankit Sharma's family. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/india-news/delhi-govt-announces-rs-1-crore-compensation-for-ib-official-ankit-sharma-s-family/story-eUV0jsdkofiDwOd7SR8AiK.html> [28 July 2020].

⁷⁹⁷ *Ibid.*

⁷⁹⁸ PTI. (26 February 2020). Ratan Lal: Rs 1 crore compensation for head constable who died in Delhi violence: >>

The Border Security Force (BSF) came forward to build the house of its constable Mohammad Anees, 29, whose house was amongst several houses damaged in the riots. BSF Deputy Inspector General (DIG) Pushendra Rathore on 29 February said, “We have decided to provide an assistance amount of Rs 10 lakh to the jawan from our welfare fund. Also, the engineering wing of the force will rebuild the house within a fortnight.” Rathore also said that Anees, who was then posted at a BSF camp in Radhabari near West Bengal’s Siliguri, was to be transferred to Delhi “very soon” so that he could be with his family and prepare for his wedding.⁷⁹⁹ Despite Anees serving in the armed forces, the mobs had chanted “*idhar aa Pakistani, tujhe nagarikta dete hai* (Come here Pakistani, we’ll give you citizenship)” whilst they set his house on fire.⁸⁰⁰

However, months after the announcement of relief measures compensation was slow to reach the victims:

- “It has been 4 months since the NE Delhi violence, I have not received a single penny from the government. It is only due to some NGOs that I have been able to sustain during the lockdown but how long can I depend on them?” said Saifuddin on 7 July 2020, who was shot at leg during the riots on 24 February 2020. He is the sole breadwinner for his 7-member family now lies partially paralyzed on his bed, without any income or the promised government’s compensation money.⁸⁰¹
- At 11:30 AM, Salman saw his son Aamir was injured on 25 February. With the help of a few people, Salman took his son to a clinic in one of the bylanes behind his shop. Salman said, “When we reached there, we were told that Aamir was shot below his navel. The doctors helped reduce blood loss. I ran to find a vehicle to take my son to Guru Teg Bahadur [GTB] Hospital. An auto-rickshaw driver took pity on me. We then switched Aamir on to a mini tempo as the auto-rickshaw was running out of gas. We reached GTB Hospital after 2 pm”. “At the hospital, the sub-divisional magistrate handed over Rs 20,000 and he said it was immediate assistance and the remaining would be given later. He gave it to other families present at the

Arvind Kejriwal. *Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/delhi/rs-1-crore-compensation-for-head-constable-who-died-in-delhi-violence-arvind-kejriwal/articleshow/74320695.cms> [28 July 2020].

⁷⁹⁹ PTI. (29 February 2020). BSF’s wedding gift to constable Anees: His home destroyed in Delhi riots will be rebuilt. *The Print*. Retrieved from <https://theprint.in/india/bafs-wedding-gift-to-constable-anees-his-home-destroyed-in-delhi-riots-will-be-rebuilt/373441/> [28 July 2020]

⁸⁰⁰ Web Desk. (28 February 2020). ‘Come here Pakistani, we’ll give you citizenship’, rioters tell BSF jawan as they set his house on fire. *The Week*. Retrieved from <https://www.theweek.in/news/india/2020/02/28/come-here-pakistani-well-give-you-citizenship-rioters-tell-bsf-jawan-as-they-set-his-house-on-fire.html> [28 July 2020]

⁸⁰¹ Nandy, A. (7 July 2020). 4 Months Since Delhi Riots, Victims Await State Govt Compensation. *The Quint*. Retrieved from <https://www.thequint.com/news/india/4-months-since-delhi-riot-victims-await-aap-govts-compensation> [28 July 2020].

hospital too,” said Salman. And, now it’s been a month, Salman has been trying to get the rest of the compensation promised by the Delhi Government.⁸⁰² Despite life threatening bullet injury, Aamir’s case was categorised as a minor injury. The assessors from the SDM’s office have categorised several of the serious bullet injuries into the minor category. That is what has happened in Aamir’s Case. We are likely to go to court on this. Aamir should get at least Rs 2 lakh, if not more,” said Neha, a lawyer who is working with the victim.⁸⁰³

- Sameer’s house was looted on February 25, after they had left their homes. “We had left Rs 1.75 lakh in the house and that was stolen. Our motorcycle was burnt. We had a textile machinery factory and my father used to run a wholesale bakery. Both the establishments were looted and burnt. Our family lives in a three-storey building and it has all been damaged. We continue to live here because the SDMs have not come to assess the house. We have gone several times to the SDM’s office, yet they haven’t come. Unless they come, we can’t do anything as otherwise they will oppose the compensation due to us,” said Sameer.⁸⁰⁴

5.1 Tedious Process

In the second week of March 2020, the Delhi government launched an online portal to speed up the process of filling up relief applications. But, the portal soon stopped working, and did not become functional throughout the COVID - 19 lockdown which was imposed from 25 March to 31 May 2020 to prevent the spread of infection. Therefore the only option left was to file the forms physically at the Sub Divisional Magistrate’s office– the authority responsible for evaluating and processing claims. The portal started functioning from 3 July 2020 only after the Delhi High Court’s intervention. However, these cases are alone, scores of people who have not received the compensation announced by the government.⁸⁰⁵

According to a report of *The Wire*, Neha Fareen, 24, had left her house in Shiv Vihar a day before violence to attend a relative’s wedding in Uttar Pradesh. When she got to know about the riots back home, she returned to the Delhi with her family only on 24 March. On reaching, she found that valuables like an LCD TV, 3.5 tolas of gold, cash amounting to Rs 1,75,000, and a gas cylinder had been looted. But her compensation was not accepted as the

⁸⁰² Mathew, A. Delhi Riots: (25 July 2020). Victims run from pillar to post to get govt compensation for bullet injuries, loss of property. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/india/delhi-riots-victims-run-from-pillar-to-post-to-get-govt-compensation-for-bullet-injuries-loss-of-property> [28 July 2020]

⁸⁰³ *Ibid*

⁸⁰⁴ *Ibid*.

⁸⁰⁵ Nandy, A. (7 July 2020). 4 Months Since Delhi Riots, Victims Await State Govt Compensation. *The Quint*. Retrieved from <https://www.thequint.com/news/india/4-months-since-delhi-riot-victims-await-aap-govts-compensation> [28 July 2020].

last day was 20 March.⁸⁰⁶ While another resident of Shiv Vihar, Mohsin, 24, tried emergency number “100” of the police multiple times on 25 February 2020, when his father’s bakery was looted, but without luck. Mohsin said, “Out of fear, we left the city a day after the violence and returned ten days later. Even after we returned, we would stay at the Eidgah camp at night because we were so terrorised.”⁸⁰⁷

With a writ petition alleging that the SDM was refusing to accept compensation forms both Neha Farheen and Mohsin approached the High Court, and had told the petitioners that the last date of submitting the forms was 20 March 2020. The matter was argued by advocates Raj Shekhar Rao and Aanchal Tikmani before the bench of Justice Naveen Chawla on 22 June.⁸⁰⁸

According to the Mohsin, he had filed a complaint looting with the Karawal Nagar Police Station at the Eidgah relief camp. When Mohsin visited the police station on 5 June 2020, he was told that his complaint had been clubbed with an FIR but the policemen had refused to provide him with a copy of the FIR and had asked him to come later. To file a compensation form, a copy of the FIR was required.⁸⁰⁹

While as per Neha, she was only able to approach Karawal Nagar Police Station on 4 June 2020 to file a complaint regarding the looting of her house but police refused to register, and asked her to come the next day due to the COVID-19 pandemic and subsequent lockdown. On 5 June 2020, she was asked to drop their complaints to maintain social distancing to curb the spread of COVID-19. She visited the police station again on 8 June 2020 to check on about her complaint but she was told that her complaint cannot be looked at because of social distancing norms being followed at the police station. She was again asked to come a few days later. On visiting the police station for the fourth time on 10 June 2020, she was told that her complaint had been received and a diary number was given to her, but the FIR number was not given to her.⁸¹⁰

The Quint reported on 7 July 2020, that the Delhi High Court ordered Sub-Divisional Magistrate [SDM] on 22 June to accept the compensation forms where the accompanying police complaint has not been converted into a standalone FIR. In cases of looting, individual FIRs have not been registered and various complaints have been clubbed in one FIR. On various occasions earlier, the SDM had refused to accept a copy of such clubbed FIRs. The court also ordered the SDM office to immediately restart the compensation procedure and reboot the online portal where complaints can be accepted and where

⁸⁰⁶ Pasha, S. (23 June 2020). Delhi Riots: Police, SDM Office Dithered on Compensation Claims for Months Before HC Order. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-compensation-claims-police-sdm-office> [28 July 2020].

⁸⁰⁷ *Ibid.*

⁸⁰⁸ *Ibid.*

⁸⁰⁹ *Ibid.*

⁸¹⁰ *Ibid.*

victims can track the status of their form.⁸¹¹

Despite the High Court order, on 22 June when the petitioners visited the SDM office, they found a handwritten notice outside the gate that specifically stated, “*Yahaan DC office complex mein koi bhi kisi prakar ki public dealing coronavirus [COVID-19] ke kaaran nahi ho paarahi hai. Yahaan is parisar mein agle aadesh tak koi bhi dealing ka kaam nahin hoga.* (No public dealings are taking place in this DC office complex as a result of the outbreak of COVID-19. As a result, no public dealings will take place at the said building until further orders.)”⁸¹²

Both Neha and Mohsin made repeated attempts to meet the SDM, but were only allowed to meet on 29 June 2020. Despite Delhi High Court’s order their applications were not accepted citing discrepancy in FIRs.⁸¹³ They approached the court again to intervene in the matter.⁸¹⁴

They noted, “Despite orders of this Court to process forms and pay amounts due to the Petitioner immediately, the compensation forms of the Petitioners/Applicants have not been accepted by Respondent No. 3 (SDM Karawal Nagar). Despite over three months having elapsed, due to lapses on part of the Respondents, Petitioners have been unable to file their compensation forms till date. Problems of the Petitioners/Applicants were further aggravated as a consequence of the lockdown imposed on 25.03.2020. As such, Petitioners/Applicants are finding it immensely difficult to survive. Hence, kindly treat this Petition as urgent and list it at the earliest.” The matter was listed on 3 July 2020.⁸¹⁵

The high court asked the respondents– the Delhi Police, the Delhi Government, and the SDM, Karawal Nagar– to expedite the verification process.⁸¹⁶

5.1.2 Gaps between Compensation Promised and Disbursed

Senior officials, quoting official records, said that till June-end, out of 3,200 claims for compensation, 1,700 were approved and around 700 remain pending; while over 900 were rejected. “So far, a little over Rs 20 crore has been disbursed as relief across categories,” said an official on 21 July. Under the category of deaths, in seven cases, the compensation amount of Rs 9 lakh each have not been released owing to the absence of bank account

⁸¹¹ Nandy, A. (7 July 2020). 4 Months Since Delhi Riots, Victims Await State Govt Compensation. *The Quint*. Retrieved from <https://www.thequint.com/news/india/4-months-since-delhi-riot-victims-await-aap-govts-compensation> [28 July 2020].

⁸¹² Nandy, A. (7 July 2020). 4 Months Since Delhi Riots, Victims Await State Govt Compensation. *The Quint*. Retrieved from <https://www.thequint.com/news/india/4-months-since-delhi-riot-victims-await-aap-govts-compensation> [28 July 2020].

⁸¹³ *Ibid.*

⁸¹⁴ Pasha, S. Despite Two Orders from HC, Delhi Riot Survivors Still Unable to Claim Compensation. *The Wire*. Retrieved from <https://thewire.in/rights/delhi-riots-compensation-sdm-karawal-nagar-high-court> [28 July 2020].

⁸¹⁵ *Ibid.*

⁸¹⁶ *Ibid.*

details in one case, pending DNA reports in three cases, absence of FIR in one case and complainants not appearing in two cases, reported the *Indian Express*.⁸¹⁷

In case of injuries, till 15 June 2020, out of 359 claims, 105 were pending, of which as many as 63 had 'lockdown' written against them. In case of 30, MLCs (Medico-Legal Certificates), MLCs are required to fill the compensation form, were absent and in case of 12, bank details were not available.⁸¹⁸

Under the segment of residential property damages, out of 1,286 claims, 152 were pending, of which 78 were due to lockdown. The majority of pending cases i.e. 178 out of 355, had 'lockdown' marked against them, including in case of damage to commercial property. In cases of property damages, around 900 out of 2,700 claims have been rejected citing reasons such as "no damage as per assessment", "cases not falling in eligibility criteria". Another reason that has been cited is the "relieving of sector SDMs".⁸¹⁹

Five schools were also damaged in the area, out of which compensation has been cleared for three, while in the case of two, it remains pending "due to dispute". In 61 cases of compensation, compensation could not be transferred due to "incorrect/dormant accounts".⁸²⁰

Advocate Mishika Singh, who had set up a legal cell after the riots and was helping survivors file for compensation pointed out that that no standard procedure had been followed by the SDM offices from the very beginning. She was quoted in *The Quint*, "Four months have already passed since the riots and no amounts have been paid to these victims. In cases where amounts have been paid, the assessments have not been made as per the scheme. In various cases where all three floors of the houses of victims have been burnt the damage has been categorised as substantial damage and a meagre amount of Rs. 50,000/- has been assessed as compensation."⁸²¹

She added, "The SDM is now saying that he is scared to let so many victims inside his office due to fear of infection. But now that online portals have been rebooted, he can easily send one officer to evaluate the damages and then disburse the money to the victims

⁸¹⁷ Barman, R. S. (21 July 2020). Five months since NE Delhi riots, 700 compensation applications pending. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/five-months-since-ne-delhi-riots-700-compensation-applications-pending-6515560/> [28 July 2020].

⁸¹⁸ Barman, R. S. (21 July 2020). Five months since NE Delhi riots, 700 compensation applications pending. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/five-months-since-ne-delhi-riots-700-compensation-applications-pending-6515560/> [28 July 2020].

⁸¹⁹ *Ibid.*

⁸²⁰ *Ibid.*

⁸²¹ Nandy, A. (7 July 2020). 4 Months Since Delhi Riots, Victims Await State Govt Compensation. *The Quint*. Retrieved from <https://www.thequint.com/news/india/4-months-since-delhi-riot-victims-await-aap-govts-compensation> [28 July 2020].

digitally. What matters is intent.”⁸²²

Another lawyer Nilesh Jain, member of a collective who is involved in filling the compensation forms and drafting complaints to be filed at police stations, pointed out a similar problem. He was noted on 15 March 2020, saying in *The Wire*, “No token number was earlier issued for compensation claims and so people found it difficult to follow up on their status. Initially SDM office had no system in place, but later they began sending SMS with a reference number to the complainants.” As for the police, he added, “The main problem is that some police stations are not cooperating and not providing FIR numbers or copies of FIR.”⁸²³

5.1.3 Testimonies of the Victims

- “Hum poori tarah se barbaad hain,” said 41-year-old Shahnaz Idrisi. Idrisi and her husband Mohammad Shaukeen, 42, ran a tailoring shop below their house, in gali number 7 in Shiv Vihar, which was ransacked. Their home was looted – jewellery and cash amounting to INR 2 lakh was stolen – before it was burnt to the ground, Idrisi said. In their compensation form, the family pegged its losses at around Rs 15 lakh but they have not yet received any compensation from the Delhi government. They filed the FIR at Karawal Nagar police station on 28 February 2020 about the attack, but two months have passed and they have not heard back from the police.⁸²⁴
- Mohsin, an office bearer of the BJP’s minority cell in Hapur, Uttar Pradesh, was killed on 25 February in Khajuri Khas. Mohsin had come to Delhi to attend a wedding. “North Municipal Corporation of Delhi [MCD] officials say the delay in his death certificate is due to the lockdown. Without that, the Delhi government is not releasing the relief amount of Rs 9 lakh,” said Mohsin’s uncle Imran Khan. “In our case, the compensation has not been released as we still await Mohsin’s death certificate. The crime branch directs us to Khajuri Khas police station. Police station directs us to North MCD, which directs us to Lok Nayak Hospital. Mohsin’s father is on the verge of collapsing. He went around government offices even on Monday, 20 July. Initially, his DNA report was awaited, which came in April. But we are facing trouble even now. We also don’t have details on the progress made by the police in investigating his death. His wife is now expecting and has moved back to Hapur.”⁸²⁵

⁸²² *Ibid.*

⁸²³ Bhatnagar, V. G. (15 March 2020). For Delhi Riot Victims, Legal Camps Offer Lone Hope for Justice. *The Wire*. Retrieved from <https://thewire.in/government/delhi-riots-relief-legal-camps> [28 July 2020].

⁸²⁴ Lalwani, V. (23 April 2020). Coronavirus: Two months after Delhi violence, victims struggle for food, compensation amid lockdown. *Scroll.in*. Retrieved from <https://scroll.in/article/959952/coronavirus-two-months-after-delhi-violence-victims-struggle-for-food-compensation-amid-lockdown> [28 July 2020]

⁸²⁵ Barman, R. S. (21 July 2020). Five months since NE Delhi riots, 700 compensation applications pending. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/five-months-since-ne->

- Aakib, a resident of Bhagirath Vihar, who stepped out to buy clothes on 24 February 2020, but suffered head injuries near Bhajanpura petrol pump passed away on 2 March 2020 at GTB Hospital. The SDM's office has been expressing inability to transfer the relief amount to the family, citing absence of a post-mortem report. "The investigating officer says delay in furnishing the report is due to lockdown," Ikramuddin said.⁸²⁶
- "In 1984, when riots took place I was working in Laxmi Nagar. People said compensation would be given. Victims of those riots still say they are yet to receive compensation. So, there is no hope in this situation as well," said Nizamuddin, a displaced Shiv Vihar resident, who is now living in Eidgah camp of Mustafabad. Nizamuddin lost his momo shop and his house in Shiv Vihar during the 25 February violence.⁸²⁷
- "The government gave Rs 40,000 for the injuries sustained by my husband and daughter. But we still haven't received money for our home. We filled the form two weeks ago and officials also verified everything. We haven't heard from them yet. My husband can't work because he lost his vision," said Mumtaz.⁸²⁸
- "Now I am not getting work. I also do not have an 'aadmi' (husband), I am a widow. If you can do something for me, please do. I have not received any assistance from the government. My children are young. I just need ration for a few months and some clothes," said Rukhsana. On 24 February 2020, Rukhsana was among the lucky ones who escaped with injury or loss of property. But she lost her livelihood as the families she worked for as a domestic help had to flee the area.⁸²⁹

5.2 The Situation of Relief Camps

Loot, arson, and fear of death forced many residents to leave their homes and run for their lives. While some took shelter with their relatives living in other parts of the city many others sought shelter homes for victims of violence. Fact Finding Report of Delhi Minorities Commission noted, "for at least three days during and after the violence, several women became homeless and were forced to live on the streets or in relief camps.

delhi-riots-700-compensation-applications-pending-6515560/ [28 July 2020].

⁸²⁶ *Ibid.*

⁸²⁷ Nandy, A. (08 March 2020). Delhi Violence Survivors Face Rain, Grief & Apathy in Relief Camps. *The Quint*. Retrieved from <https://www.thequint.com/news/india/delhi-violence-relief-camp-homeless-take-shelter-mustafabad-eidgah> [28 July 2020].

⁸²⁸ Mohan, A. & Sinha, J. (24 March 2020). Coronavirus: Delhi's Eidgah relief camp cleared out, riot-hit victims hunt for another shelter. *The Indian Express*. Retrieved from <https://indianexpress.com/article/coronavirus/coronavirus-delhis-eidgah-relief-camp-cleared-out-riot-hit-victims-hunt-for-another-shelter-6329782/> [28 July 2020].

⁸²⁹ Bhatnagar, V. G. (15 March 2020). For Delhi Riot Victims, Legal Camps Offer Lone Hope for Justice. *The Wire*. Retrieved from <https://thewire.in/government/delhi-riots-relief-legal-camps> [28 July 2020].

For most women who lost their husbands, their source of income suddenly stopped. The women whose houses were looted and set on fire, lost all their jewellery, documents, gold, money among several other valuables, all of which gives one a sense of social and financial capital and self-worth.”

The Delhi Government opened nine relief camps for displaced families. Out of those, eight relief camps were set up in night shelters [Rain Basera- shelters providing accommodation to the homeless at night set by the Delhi Government]. Most of these camps were set up at short distances from the areas that witnessed intense violence.⁸³⁰ Despite urgent need of shelter, victims of riot were either staying at the homes of relatives and helpful strangers or in shared spaces like places of worship. Many had left the city for their villages. Most of the camps that were opened in the shelter homes were empty, as they lacked essential services compounded with inadequate security arrangements.⁸³¹ Social activists coordinating relief work by non-government organisations in North East Delhi said night shelters cannot be a substitute for relief camps. Suroor Mander, a lawyer who works with Karwan-e-Mohabbat, “the state needs to act like it cares.”⁸³²

The only camps that gave shelter to the displaced families were Mustafabad’s Eidgah camp and Shree Ram Colony’s D Block community center⁸³³ the camp was set up by the Delhi government’s Waqf Board but locals and volunteers were running the camps.⁸³⁴ Those who took refuge in Shree Ram Colony said they are at peace, and food and evening snacks were being provided. Mehtab, who was at the center with four daughters-in-law, including one with a two-year-old boy, said that when his home was attacked, they “made several calls to the police but no one responded”. “My sons somehow got us out and we fled immediately. We stayed at a relative’s place and came here two days ago. We are at peace here but I don’t know how long we can be here,” Mehtab said.⁸³⁵

⁸³⁰ Goswami, S. (29 February 2020). 42 families move into govt relief camps, 210 civil defence volunteers deployed. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/only-42-families-move-into-delhi-govt-relief-camps-on-friday/story-Owp81AynUFHNtDSC0PJeUM.html> [28 July 2020].

⁸³¹ Lalwani, V. (23 April 2020). Coronavirus: Two months after Delhi violence, victims struggle for food, compensation amid lockdown. *Scroll.in*. Retrieved from <https://scroll.in/article/959952/coronavirus-two-months-after-delhi-violence-victims-struggle-for-food-compensation-amid-lockdown> [28 July 2020].

⁸³² *Ibid.*

⁸³³ Goswami, S. (29 February 2020). 42 families move into govt relief camps, 210 civil defence volunteers deployed. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/only-42-families-move-into-delhi-govt-relief-camps-on-friday/story-Owp81AynUFHNtDSC0PJeUM.html> [28 July 2020].

⁸³⁴ Nandy, A. (08 March 2020). Delhi Violence Survivors Face Rain, Grief & Apathy in Relief Camps. *The Quint*. Retrieved from <https://www.thequint.com/news/india/delhi-violence-relief-camp-homeless-take-shelter-mustafabad-eidgah> [28 July 2020].

⁸³⁵ Bhatnagar, A. (1 March 2020). Delhi violence: Houses gutted, 42 families find refuge in govt shelter. *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence->

According to a report of *National Herald*, Mustafabad's Eidgah camp lacked basic services like toilet and water. There were hardly eight toilets in Mustafabad's camps for more than 1,000 people at the camp leading to a sanitation crisis.⁸³⁶ Survivors of the riot were clueless that they had to fill a form to get compensation that was announced by the state government. At the relief camp, hardly any government representative was present to coordinate the relief programme or to help people in filing complaints.⁸³⁷

Khadija Khatoon, at Eidgah camp, whose house and a motorcycle were burnt in the violence at Shiv Vihar said, "We don't know what to do. There doesn't seem to be an end to our suffering...The government has shown no inclination to help us get back on our feet. We want to go home."⁸³⁸

However, civil society organizations and collectives came forward to extend their support to the victims. Medical and Legal relief camp was set up by Citizen's Collective for Peace in Shiv Vihar. Muslim Council of India set up a legal help desk at Eidgah camp.⁸³⁹ Three medical camps were run by Al-Hind Hospital, Holy Family Hospital and Guru Teg Bahadur Hospital. Mental Health Experts from IHBAS worked at camp catering to the needs of the riot victims.⁸⁴⁰

"The government has not yet figured how to feed these people. One of our volunteers got a call from the DC office requesting food for 1,000 persons. There is a shortage of water too at the camp," explained Rahul Roy, a human rights activist, who was present at Mustafabad camp. "Moreover, the Delhi government has no rehabilitation plan for those whose homes have been destroyed by the armed Hindutva mobs. The government has not given a timeline by when people would get their compensation nor have any officials met

government-shelters-6293266/ [28 July 2020].

⁸³⁶ Mathew, A. (04 March 2020). Delhi pogrom: First relief camp set up in Mustafabad woefully inadequate; no govt role except providing tents. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/india/delhi-pogrom-first-relief-camp-set-up-in-mustafabad-woefully-inadequate-no-govt-role-except-providing-tents> [28 July 2020].

⁸³⁷ Lalwani, V. (23 April 2020). Coronavirus: Two months after Delhi violence, victims struggle for food, compensation amid lockdown. *Scroll.in*. Retrieved from <https://scroll.in/article/959952/coronavirus-two-months-after-delhi-violence-victims-struggle-for-food-compensation-amid-lockdown> [28 July 2020].

⁸³⁸ NH Web Desk, (7 March 2020). Delhi riots victims stranded in flooded relief camps. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/flick-past/delhi-riots-victims-stranded-in-flooded-relief-camps> [28 July 2020]

⁸³⁹ PTI. (10 March 2020). When can we go back? ask Delhi riot victims staying in relief camps. *Deccan Chronicle*. Retrieved from <https://www.deccanherald.com/national/north-and-central/when-can-we-go-back-ask-delhi-riot-victims-staying-in-relief-camps-812210.html> [28 July 2020]

⁸⁴⁰ Barman, R. S. (09 March 2020). Delhi riots: Mustafabad has become ground zero for relief, rehabilitation efforts. *Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/delhi-violence-mustafabad-relief-camp-rehabilitation-6305926/> [28 July 2020]

all those who have been displaced as a result of the violence.”⁸⁴¹

5.2.1 Why there were Few Takers of Relief Camps

Idrees Ahmad, a caretaker of the shelter home at Shastri Park said, “The priority should be given to the affected people instead of those who generally seek shelter here.”⁸⁴²

There are two separate shelter homes designated for men and women of riot victims in New Usmanpur. “So far, no one has come to stay,” said Mohammed Danish, the caretaker of the camp, adding that it has a capacity to accommodate around 50 men and women each.⁸⁴³

The Seelampur Kabadi Market shelter home is the only camp meant to house families. It, too, can hold 50 men and women each. Care taker Mohammed Rafiq said, “On the night of February 27, there were some people who came to stay at the shelter home and they belong to the Ghonda area. They didn’t go to their homes because of the tense atmosphere in the area. The next day they left the shelter home.”⁸⁴⁴

“Everyone knows the condition of rain baseras [night shelters],” said Kumar, the caretaker of shelter number 202, located on the Pushta Usmanpur Road in Seelampur. “These shelters do not have proper hygiene. Only those who are addicts come here.” Kumar’s shelter has a capacity to accommodate 50 people with mattresses, blankets, one toilet and drinking water. “But only three beds were occupied on Monday [20 April 2020] by those who regularly stayed in the night shelter,” he said.⁸⁴⁵

In the same complex as shelter number 202, which is meant for men, exists another shelter for women with 50 beds. Its caretaker, Anjum, 24, said: “Anyone can come here but no one has come so far.”⁸⁴⁶

About one km ahead of Pushta Usmanpur Road was shelter number 203, which Delhi government’s list said could accommodate both men and women. But its caretaker, Shamsuddin, 45, said that it was only for men. Here too, there were no riot-affected people.⁸⁴⁷

⁸⁴¹ Mathew, A. (04 March 2020). Delhi pogrom: First relief camp set up in Mustafabad woefully inadequate; no govt role except providing tents. *National Herald*. Retrieved from <https://www.nationalheraldindia.com/india/delhi-pogrom-first-relief-camp-set-up-in-mustafabad-woefully-inadequate-no-govt-role-except-providing-tents> [28 July 2020]

⁸⁴² Sharma, S. Not Many Takers for Relief Camps Set Up by AAP Govt for North-east Delhi Riot Victims. *News18 India*. Retrieved from <https://www.news18.com/news/india/not-many-takers-for-relief-camps-set-up-by-aap-govt-for-north-east-delhi-riot-victims-2521019.html> [28 July 2020]

⁸⁴³ *Ibid*

⁸⁴⁴ *Ibid.*

⁸⁴⁵ *Ibid.*

⁸⁴⁶ *Ibid.*

⁸⁴⁷ *Ibid.*

“There are 26 regulars who are daily wage workers who come here after finishing their work,” said Shamsuddin. “Apart from that no one has come.”⁸⁴⁸

5.2.2 Displaced twice

The COVID – 19 pandemic led to double displacement of riot victims leaving already displaced victims without any shelter or food. On 24 March, as prime minister Narendra Modi announced nationwide lockdown and urged people to stay at home to curb the infection of COVID-19, the very next day, the Eidgah relief camp was cleared and its residents forcibly evicted by the government authority.⁸⁴⁹

On 24 March 2020, the state government offered riot victims Rs 3,000 in cash to help pay rent and ration to last a few days and told them to look for a house. Many, however, dread going back to their homes, fearing attacks by neighbours. Most families also claimed they haven’t received money for the rent.⁸⁵⁰ A victim said, “Local administration is forcing us to leave. We are vulnerable in these camps because there is no way to maintain social distancing. But where will we go as we don’t have money to survive.” While another victim asked, “Where will I get accommodation in such a meagre amount?”⁸⁵¹

Earlier, Shaikh Mujtaba, a lawyer, filed a plea in the Delhi High Court seeking rehabilitation and compensation for the victims. On 20 March 2020, the court told the state government and Municipal Corporation of Delhi, which fall under the central government, to open three additional relief camps for those affected in February’s riots. The additional camps would provide relief to the victims, in the wake of the COVID-19 pandemic. Despite, The Central and Delhi governments’ standing counsels, Amit Mahajan and Rahul Mehra (criminal counsel) assurance no action was taken, reported *Hindustan Times*.⁸⁵²

However, after Eidgah camp was cleared out another writ petition was filed in the Delhi High Court, to direct the Delhi government to reopen the relief camp at Eidgah in

⁸⁴⁸ *Ibid.*

⁸⁴⁹ Ali, S. (4 2020 April). Coronavirus pandemic leaves Delhi riots victims twice displaced. *Aljazeera*. Retrieved from <https://www.aljazeera.com/news/2020/04/coronavirus-pandemic-leaves-delhi-riots-victims-displaced-200420064216443.html> [28 July 2020].

⁸⁵⁰ Mohan, A. & Sinha, J. (24 March 2020). Coronavirus: Delhi’s Eidgah relief camp cleared out, riot-hit victims hunt for another shelter. *The Indian Express*. Retrieved from <https://indianexpress.com/article/coronavirus/coronavirus-delhis-eidgah-relief-camp-cleared-out-riot-hit-victims-hunt-for-another-shelter-6329782/> [28 July 2020].

⁸⁵¹ Sharma, J. (23 March 2020). First Communal Violence, Now Coronavirus Fears, Delhi’s Riot Victims Have Nowhere To Go. *Outlook India*. Retrieved from <https://www.outlookindia.com/website/story/india-news-first-communal-violence-now-coronavirus-fears-delhis-riot-victims-have-nowhere-to-go/349317> [28 July 2020].

⁸⁵² Hindustan Times, Delhi. (20 March 2020). HC directs Centre, state to set up three additional relief camps for riot victims. *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/delhi-news/hc-directs-centre-state-to-set-up-three-additional-relief-camps-for-riot-victims/story-mbYIV8JconZpT5efpvjecN.html> [28 July 2020].

Mustafabad and to provide victims with food supplies, water, proper sanitation, and adequate security. Sneha Mukherjee of Mukherjee of the Human Rights Law Network, explained, “We are also requesting the court to ensure that the state government doesn’t interfere or prevent the work of NGOs and journalists helping with the relief work.”⁸⁵³

The petitioner, Sheik Mujtaba Farooque also sought direction to the authorities to re-open the relief camp at Idgah in Mustafabad and provide proper food supplies, adequate water, sanitation and security to the victims.⁸⁵⁴ “Riot-affected families who have returned to their homes are most insecure as the security in these areas of the Police/CRPF is visibly missing. The communal tension continues and the victims who have returned to their homes are living in fear,” said the petition.⁸⁵⁵

On March 27, a Division Bench of Justices Siddharth Mridul and Talwant Singh heard the plea of Mujtaba through video-conferencing, the court directed AAP government to ensure that all the riot victims, who may be without shelter at the moment, are provided with accommodation, either at the Community Centres or at the Night Shelters, operated by the Delhi Urban Shelter Improvement Board (DUSIB) in the North-East District, Delhi.⁸⁵⁶ Sneha Mukherjee of Human Rights Law Network, said, “On April 3, the Delhi government suggested placing them in shelter homes intended for migrant workers, which was unacceptable.”⁸⁵⁷

5.3 Role of Health System

On 25 February, a minor boy Faizan, 14, was shot and suffered a bullet wound near his spine around 11 AM allegedly by a Hindutva Mob in the Kardampuri of Shahdara. Faizan had to wait six hours for an ambulance, as ‘ambulances were not allowed in the area’. An ambulance finally reached him only around 5 PM, and he was admitted to GTB Hospital. Faizan was not even a part of protests or clashes but had been in the area to drop off some

⁸⁵³ Mathew, A. (26 March 2020) Petition filed in Delhi HC to direct Delhi govt to reopen Mustafabad relief camp. *National Herald*. Retrieved July 30, 2020, from <https://www.nationalheraldindia.com/india/petition-filed-in-delhi-hc-to-direct-delhi-govt-to-reopen-mustafabad-relief-camp> [28 July 2020]

⁸⁵⁴ PTI. (30 March 2020). Officers to contact those displaced in riots, Delhi govt tells Delhi High Court. *The Print*. Retrieved from <https://theprint.in/india/officers-to-contact-those-displaced-in-riots-delhi-govt-tells-delhi-high-court/391580> [28 July 2020].

⁸⁵⁵ ANI. (27 March 2020). Delhi HC directs AAP govt to ensure riot victims get shelter. *Business Standard*. Retrieved from https://www.business-standard.com/article/news-ani/delhi-hc-directs-aap-govt-to-ensure-riot-victims-get-shelter-120032701961_1.html [28 July 2020].

⁸⁵⁶ ANI. (27 March 2020). Delhi HC directs AAP govt to ensure riot victims get shelter. *Business Standard*. Retrieved from https://www.business-standard.com/article/news-ani/delhi-hc-directs-aap-govt-to-ensure-riot-victims-get-shelter-120032701961_1.html [28 July 2020].

⁸⁵⁷ Ali, S. (4 2020 April). Coronavirus pandemic leaves Delhi riots victims twice displaced. *Aljazeera*. Retrieved from <https://www.aljazeera.com/news/2020/04/coronavirus-pandemic-leaves-delhi-riots-victims-displaced-200420064216443.html> [28 July 2020].

items to an acquaintance.⁸⁵⁸

Zakir was offering prayers at the Farooqia Masjid when a mob chanting Jai Shree Ram entered the mosque and attacked everybody inside, including Zakir. In the absence of any ambulance or vehicle, Zakir was taken to the Al Hind Hospital on a cot after being referred to a bigger hospital by a local nursing home. He was declared brought dead.⁸⁵⁹

5.3.1 Collapse of Health System during Riots

Cops as well as protestors were accused of stopping the ambulance. Harjit Bhatti, a medic among the volunteers assisting the riot victims in North-East Delhi said to *The Telegraph*, that on 26 February 2020 while he was transporting the 30-year-old injured man from the Al Hind nursing home to the Guru Tegh Bahadur Hospital, 8km away, police stopped us several times^{860, 861} He said, "We were in a hurry. It was already over 20 hours since the bullet had hit the victim," said Bhatti. "But the police stopped us four times. Each time they made me open the dressing and looked at the wound. They ignored my pleas for urgent transport."⁸⁶²

Jan Swasthya Abhiyan (JSA) and Medico Friend Circle (MFC), nationwide network of doctors and health experts, released a statement on 27 February 2020, saying, "the police must not be allowed to stop patients and ambulances carrying them, doctors and drugs and medical supplies to any health facility. Delays in this regard are absolutely unacceptable, are a violation of the fundamental rights of all people and can have serious consequences. It is deplorable that the intervention by the Delhi High Court at midnight yesterday was necessary to address the situation at the Al Hind hospital at Mustafabad, which had been cordoned off by the police and ambulances, patients, medical supplies were not allowed to reach the hospital for several hours."⁸⁶³

⁸⁵⁸ Barton, N. & Dubey, A. (28 February 2020). Delhi Riots: 14-Year-Old Boy Shot at in KardamPuri in Stable Condition. *The Wire*. Retrieved July 30, 2020, from <https://thewire.in/communalism/north-east-delhi-violence-boy-shot> [28 July 2020].

⁸⁵⁹ Delhi Minority Commission. (July 2020). See Page Number 114. <https://ia801501.us.archive.org/28/items/dmc-delhi-riot-fact-report-2020/-Delhi-riots-Fact-Finding-2020.pdf> [28 July 2020].

⁸⁶⁰ Mudur, G. (02 March 2020). Delhi riots: Cops stop ambulance, prod wound. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/delhi-riots-cops-stop-ambulance-prod-wound/cid/1750446> [28 July 2020].

⁸⁶¹ PTI. (25 February 2020). Delhi violence: With protesters blocking ambulances, injured being brought to hospitals on bikes and vans, says police. Firstpost. Retrieved from <https://www.firstpost.com/india/delhi-violence-with-protesters-blocking-ambulances-injured-being-brought-to-hospitals-on-bikes-and-vans-says-police-8085431.html> [28 July 2020].

⁸⁶² Mudur, G. (02 March 2020). Delhi riots: Cops stop ambulance, prod wound. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/delhi-riots-cops-stop-ambulance-prod-wound/cid/1750446> [28 July 2020].

⁸⁶³ The Wire Staff. (27 February 2020). Delhi Riots: Healthcare NGOs Urge Authorities to Ensure Access to Care. *The Wire*. Retrieved July 30, 2020, from <https://thewire.in/health/delhi-riots-medical-care> [28

Earlier, on 26 February 2020, the Delhi High Court held a special hearing held at the residence of Justice S Muralidhar at 12:30 AM, after receiving a call from an advocate Suroor Mander explaining the circumstances under which the victims were unable to be removed from a small hospital to the GTB Hospital. The bench of S Muralidhar and Anup J Bhambhani directed the Delhi Police to ensure safe passage of the injured victims by deploying all resources at its command and on the strength of this order as well as to make sure they receive immediate emergency treatment if not at the Guru Teg Bahadur Hospital then at the Lok Nayak Jai Prakash Narayan Hospital (LNJP) or Maulana Azad or any other hospital, reported *Indian Express*.⁸⁶⁴

5.3.2 From Shaming to Inflicting Horrors

A report by Progressive Medicos and Scientists Forum (PMSF) noted, “there were several calls and appeals for urgent medical aid to be reached to the affected area, as the local health practitioners were neither capable of nor did they have the wherewithal to deal with the nature of medical emergencies being reported. The situation was particularly precarious in the absence of outside ambulances or medical supplies being able to reach the violence affected areas, as also the fact that ground situation prevented people from accessing the nearby government hospitals like the Delhi government run GTB hospital and the Swami Dayanand Hospital managed by the East Delhi Municipal Corporation, which were equipped to handle such emergencies.”⁸⁶⁵

Jan Swasthya Abhiyan [JSA] accused government hospitals of serious legal and ethical violations in the aftermath of Delhi violence. On 2 March 2020, JSA released the report titled “The Role of Health Systems in Responding to Communal Violence in Delhi”, A report by volunteers involved in facilitating access to healthcare for victims of violence between 25 February to 01 March 2020, highlighting the challenges faced by victims in accessing and seeking healthcare during the violence and in its aftermath and the urgent steps that the Delhi government needs to take to ensure that the system plays a constructive role in helping survivors heal from trauma and get justice. The report noted, “riot affected injured persons are facing issues in accessing healthcare. There are insecurities in accessing state institutions and state ambulances due to experiences of injured persons being harassed by police officials and spoken disrespectfully by staff at

July 2020].

⁸⁶⁴ PTI. (26 February 2020). Delhi riots: In midnight hearing, HC asks police to ensure safe passage, treatment of injured. *New Indian Express*. Retrieved from <https://www.newindianexpress.com/cities/delhi/2020/feb/26/delhi-riots-in-midnight-hearing-hc-asks-police-to-ensure-safe-passage-treatment-of-injured-2108735.html> [28 July 2020].

⁸⁶⁵ Progressive Medicos and Scientists Forum. (3 February 2020). An Inquiry in to the Anti-Muslim Violence in Northeast Delhi by a Team of Doctors that Visited the Affected Area. <https://janataweekly.org/wp-content/uploads/2020/03/PMSF-Inquiry-Report-in-to-the-Anti-Muslim-Violence-in-Northeast-Delhi.pdf> [29 July 2020].

GTB hospital and LNJP hospital.”⁸⁶⁶

The reports also highlighted that a charitable hospital which was providing care to injured persons did not receive any written instructions about the extension of the *Farishtey* scheme, and was thus struggling to provide access to free healthcare. When in fact, on 27 February 2020, Arvind Kejriwal said that *Farishtey* scheme will now be applicable to riot-affected victims in private hospitals as well. Crime and riot-affected people will be included in this. The hospital will be reimbursed by the hospital. Families were struggling to arrange finances to ensure people are treated.⁸⁶⁷

According to the report, “far from providing healing from the trauma that victims faced, the public health system itself ended up inflicting secondary trauma through acts of commission and omission”. In some cases victims were denied medical treatment. A common reason for denial of care was the lack of an MLC [Medico-Legal Certificate] number and treatment records from previously accessed hospitals. Several patients were not given their MLC number or treatment record by hospitals. If they went to a different hospital, they were told that they cannot be admitted unless they bring the MLC number and treatment records⁸⁶⁸.

The government-hospital authorities fudged the medico-legal report of the victims. Mohammed Anwar Ali, owner of Al-Hind Hospital in New Mustafabad, said, “around 20–25 people have come with this issue. There are some people [in the system] who have this mindset that they don’t want the victims to recover ever. These people [the victims] are not educated enough so they are spooked [by the hospital authorities and the police] who say things like, “The police will arrest you if you have the medico-legal report done, or if you go to the government hospital.” By changing the date of the injury in the medico-legal report, they are actually trying to protect the victims as rioters. [I examined Salman’s MLC. The date on it had been changed to 25 February when he said he was attacked on 24 February.]”⁸⁶⁹

On the accessibility of the Medico-Legal report noted, “Patients were not being given any records of medicolegal documentation or post mortem reports. This is the right of the patient and will be of use to them if they choose to pursue legal cases in the future. One family member told us “I brought a live man here to the casualty, and now he is dead. I do

⁸⁶⁶ Jan Swasthya Abhiyan, Delhi (JSA Delhi). (March 2020). The Role of Health Systems in Responding to Communal Violence in Delhi. http://phmindia.org/wp-content/uploads/2020/03/Final-Report-on-Delhi-violence_JSA.pdf [29 July 2020].

⁸⁶⁷ Jan Swasthya Abhiyan, Delhi (JSA Delhi). (March 2020). The Role of Health Systems in Responding to Communal Violence in Delhi. http://phmindia.org/wp-content/uploads/2020/03/Final-Report-on-Delhi-violence_JSA.pdf [29 July 2020].

⁸⁶⁸ *Ibid*

⁸⁶⁹ Sagar. (16 March 2020). Even doctors cried treating shot, bleeding patients: Al Hind’s Dr Anwar on Delhi violence. *The Caravan*. Retrieved from <https://caravanmagazine.in/conflict/dr-anwar-al-hind-even-doctors-cried-bleeding-patients-delhi-violence> [29 July 2020].

not know what the hospital did or what kind of injury he had. We have been waiting for his body and post mortem reports for more than 24 hours and we have only been given one paper that says that the police have handed over the body to us. What are we supposed to make of this?" In another case where a woman lost two sons, the family has been asking volunteers to help procure medico legal records. They said we do not know what injuries our sons had, what treatment they were given, and how they eventually died. In all, we saw at least three cases of deceased in which the families had just been given one document from the police which was required for burial. Other than that, no record of injuries or treatment were given to families. When they asked for it, they were told that they can only access them from the police, after two weeks."⁸⁷⁰

Moreover, the report also pointed out that medical professionals used communal remarks. The report noted, "Patients and volunteers both reported that injured persons being called "ugravadi" and "atankvadi" by doctors. Some said that when they requested prompt treatment, they were told "What will you do if we treat you? You will go back on the streets and be violent". These are also the exact words that a volunteer heard when he was waiting to take detainees from the police station to the hospital. A volunteer at a shelter who had been accompanying victims to seek care reported that doctors at casualty had asked some victims the full form of NRC and CAA. It is disturbing to see that health professionals are using this to shame patients in casualty, who have suffered grave violence"⁸⁷¹ Inayat Kakar, a public health researcher with the Abhiyan, was quoted in the Telegraph, "We have documented at least 15 instances where patients did not receive appropriate or adequate treatment or faced harassment".⁸⁷²

An academic, who was present on the ground quoted in the DMC report, "Other than me there were two lawyers and one social activist present there. There were victims being brought in with gunshot wounds and injuries from being beaten up mercilessly by mobs. They needed help filling up hospital forms and getting their MLCs [Medico-Legal Cases] done. We were helping them with the forms when dead bodies also started coming in. I visited the mortuary at GTB Hospital helping families identify bodies and helping them fill forms for the bodies to be released. This is not a sight I was prepared for. There were bodies being brought in that were completely charred. Families were telling stories of how their houses had been burnt down.

⁸⁷⁰ Jan Swasthya Abhiyan, Delhi (JSA Delhi). (March 2020). The Role of Health Systems in Responding to Communal Violence in Delhi. http://phmindia.org/wp-content/uploads/2020/03/Final-Report-on-Delhi-violence_JSA.pdf [29 July 2020].

⁸⁷¹ Jan Swasthya Abhiyan, Delhi (JSA Delhi). (March 2020). The Role of Health Systems in Responding to Communal Violence in Delhi. http://phmindia.org/wp-content/uploads/2020/03/Final-Report-on-Delhi-violence_JSA.pdf [29 July 2020].

⁸⁷² Mudur, G. (02 March 2020). Delhi riots: Cops stop ambulance, prod wound. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/delhi-riots-cops-stop-ambulance-prod-wound/cid/1750446> [28 July 2020].

Some bodies were in unrecognisable shape and DNA tests had to be done to confirm their identity. These tests take up to one day which meant that the families stayed in the hospital dealing with uncertainty and grief. The post-mortem of everybody was taking up to 2-3 hours. I visited GTB Hospital for the next two days. A lot of families were coming in looking for missing people, checking the beds and mortuary before moving to other hospitals where the injured and dead were being brought in. Most of the injured were being brought in private vehicles and not ambulances. These families mentioned calling the police throughout the night when their houses were being set on fire or when the mob was beating up people but to no avail. Ambulances were also unresponsive or not being able to enter the narrow lanes.⁸⁷³

During the violence, many persons were missing and families were desperately trying to locate loved ones in hospitals. Families were desperate for updates on their missing relatives. Mubarak Ali, a white-washer by profession, had gone to search for work at a nearby labour chowk. He has been missing since the violence broke out, reported NewsClick on 7 March 2020. "It has been almost 11 days since Mubarak Ali left home. Had there been any active intervention by the police, we would have certainly located him," said Abbas Ali, nephew of Mubarak Ali.⁸⁷⁴

Farman's mother was restless and tired outside the mortuary of Guru Tegh Bahadur Hospital in North East Delhi. His mother, Shahida, said that he used to repair chairs in offices and homes and had no permanent source of income. Farman had gone missing on February 23 after he left home for work.⁸⁷⁵ Aaqib Khan, Supreme Court advocate affiliated with the Waqf Board's legal team said that with the rate at which we are getting complaints of missing persons, we only expect the number of missing persons to rise.⁸⁷⁶ However, Delhi Police shared contact numbers of police personnel from different hospital sights for those who are desirous of seeking information:⁸⁷⁷

- At GTB, Sub inspector Gajender Singh 9818120026
- LNJP and Maulana Azad Hospital, Sub inspector Yogendra Singh 7982756328
- RML, Sub inspector Devender Singh 9818313342

⁸⁷³ Delhi Minority Commission. (July 2020). Report of the DMC Fact-finding Committee on North-East Delhi Riots of February 2020 <https://ia801501.us.archive.org/28/items/dmc-delhi-riot-fact-report-2020/-Delhi-riots-Fact-Finding-2020.pdf> [28 July 2020].

⁸⁷⁴ Kaushal, R. (7 March 2020). Delhi Riots: Families Await Missing Persons Amid Delhi Police's Apathy. *NewsClick*. Retrieved from <https://www.newsclick.in/delhi-riots-families-await-missing-persons-delhi-police-apathy> [29 July 2020].

⁸⁷⁵ *Ibid.*

⁸⁷⁶ Khan, F. (11 March 2020). Number of missing husbands and sons going up as riot-hit Delhi tries to pick up the pieces. *NewsClick*. Retrieved from <https://theprint.in/india/number-of-missing-husbands-and-sons-going-up-as-riot-hit-delhi-tries-to-pick-up-the-pieces/378721/> [29 July 2020].

⁸⁷⁷ Bureau, Z. (26 February 2020). Delhi Police issues helpline numbers for details of violence victims. *Zee News*. Retrieved from <https://zeenews.india.com/delhi/delhi-police-issues-helpline-numbers-for-details-of-violence-victims-2266368.html> [29 July 2020].

- Al Hind, Sub inspector Narendra Rana 9868738042

5.4 Fear and Displacement

Even months after the violence that killed 53 people and properties worth of crores were destroyed; families are not ready to return home. Shadia, a resident of Prem Vihar, said “We lived there for more than 15 years and our three children were born there. We never imagined that the times would change to this extent. I can’t go there, I will not go there, not that anyone over there [in their neighbourhood] is even bothered.” Shadia along with her husband, Irshad moved to a makeshift dwelling on his brother’s vacant plot in Mustafabad, reported *The Wire*.⁸⁷⁸

When Irshad said that when he went back to his house two months later to collect their belongings, the only conversation a neighbour exchanged with him was whether he wanted to sell his house. “I was very perturbed at his query. I told him this was no way to talk when we were in trouble,” he recalled. “I know that they wanted me to sell my house at a throw away price, but I won’t budge even if we have to sleep hungry.”⁸⁷⁹ Shadia and Irshad were one among several people who had to flee over the course of the time to save their lives from the communal violence that broke.

Rakshi Bose of *News18* reported on March 3 that in Gali number 4 of Mustafabad, about 25-30 families that escaped Shiv Vihar have taken shelter among locals of the Muslim-dominated area just six kilometres away.⁸⁸⁰

4.4.1 Testimonies

- Amna Khanum, 50, and her family of seven barely managed to escape the rioters after they started hurling petrol bombs in houses and setting fire to gas cylinders. She says. “We ran away at 5 am on Tuesday [25 February] after heavy stone-pelting and firing started on Monday at around 3 pm. They started torching shops on the ground floor.”⁸⁸¹
- Fatima, 45, is not very optimistic as well. She said “When I went back to get my goats which were left behind at Shiv Vihar when we escaped, I was attacked.” The incident

⁸⁷⁸ Singh, P. (2 June 2020). Muslim Families That Fled Their Homes During Delhi Violence Still Afraid to Return Home. *The Wire*. Retrieved July 30, 2020, from <https://thewire.in/communalism/delhi-violence-muslims-fear> [29 July 2020].

⁸⁷⁹ *Ibid.*

⁸⁸⁰ Bose, R. (3 March 2020). ‘I Pretended to be Dead’: How Shiv Vihar’s Muslim Families Became Refugees Overnight in Delhi Riots. Retrieved from <https://www.news18.com/news/india/i-pretended-to-be-dead-how-shiv-vihars-muslim-families-became-refugees-overnight-in-delhi-riots-2523021.html> [29 July 2020].

⁸⁸¹ *Ibid.*

occurred on Wednesday [26 February] and the men in question tore Fatima's dupatta. She was saved by a local family that told the mob she was their relative. Fatima said, "I could hear invisible voices screaming from rooftops, telling me to leave. 'You can't be here', they screamed. I don't think we can go back so easily."⁸⁸²

- Afsana, another resident of Shiv Vihar said, "We have become pariahs overnight. The targeted violence broke out and continued for three days right under the nose of (Prime Minister Narendra) Modiji and (Arvind) Kejriwal Ji but the administration remained mute spectators. Our houses were burnt and we were made refugees overnight. We have lost everything and we do not know how we will survive from here on as there is no help in sight from the government". A Muslim family of Babu Nagar, Mustafabad gave shelter to Afsana. Afsana said, "The nightmare of insecurity still lives on. My two daughters were to appear for their board examinations which are underway but their admit cards and uniforms were burnt in the arson. They have been breaking down after missing their examinations."
- A civil society volunteer working in the affected areas said, "The scale of displacement is huge. Unless the government steps in, people are going to suffer a lot more. It requires a massive operation to provide relief to hundreds of people. Our volunteers of students, doctors and activists are not trained. It is getting very chaotic because the state is completely absent from the scene"⁸⁸³
- "I can never go back to that house again," said Khadija Khatoon, 30, who escaped the violence by jumping onto the roof of an adjacent house in the Shiv Vihar. A mother of 18-month-old daughter Sajida said, "When I saw mobs setting houses on fire, we locked our front door and went to our rooftop to save ourselves. There, a spark of fire hit my daughter on the back... she cried in immense pain but I couldn't do anything at that moment," Khatoon recalled. "I remember the scene vividly, it still haunts me." "I am worried for my children," said Khatoon caressing her daughter. "I don't want them to face what we have faced. Home seems to be a distant dream now... the future looks so bleak."⁸⁸⁴
- Mohammed Dilshad who took refuge in Mustafabad camp asked "What's the point of going back and remaining in constant fear of getting attacked again?" He was attacked

⁸⁸² *Ibid.*

⁸⁸³ Siddiqui, I. (2 March 2020). Delhi riots: Muslim or Hindu victims, government absent for all. *The Telegraph*. Retrieved from <https://www.telegraphindia.com/india/delhi-riots-muslim-or-hindu-victims-government-absent-for-all/cid/1750491> [29 July 2020].

⁸⁸⁴ Zargar, A. R. (11 March 2020). Delhi riots forced thousands of Muslims from their homes, and they're afraid to go back. *CBS News*. Retrieved from <https://www.cbsnews.com/news/delhi-riots-forced-thousands-of-muslims-from-their-homes-and-theyre-afraid-to-go-back/> [29 July 2020].

by a mob on February 25 along with four friends on the outskirts of Shiv Vihar. "I may have been lucky this time, but that may not be the case next time," he adds.⁸⁸⁵

On 4 March 2020, Dr Zafarul-Islam Khan, Chairman of Delhi Minorities Commission said, "Most of them have run away from the colonies which witnessed massive violence. They are either staying with their relatives or have left for their villages. Some others are staying in government or private camps. The issue is not of food, there is adequate food which has reached these places. They now need actual relief and compensation to rebuild their homes and lives."

Many people would need assistance to again set up their shops and businesses. "The compensation which the government has announced is not sufficient. We have demanded that this amount be enhanced so that the affected people may be able to start their lives again," said Islam. On the allegation that people are not being allowed to return to their homes, he said, "No one is stopping them but the problem is that Most of the houses have been damaged or burnt. So what will they do there without any money? The houses are badly damaged, the walls and roofs are broken, and they are littered with rubble. There were very few houses that were not badly damaged."

A group of Human Rights Activists like Harsh Mander, Anjali Bhardwaj, Amrita Johri and Anie Raja wrote a letter to Arvind Kejriwal to enhance compensation amount. they wrote, "...an amendment to this order must specify the floor area for which these rates have been determined, and allow for flexibility and additional compensation, as warranted, on the basis of actual assessment of destroyed properties. "There is also an urgent need to enhance compensation under other heads, taking into account the quantum given to violence affected persons in earlier incidents."⁸⁸⁶

⁸⁸⁵ *Ibid.*

⁸⁸⁶ Press Trust of India. (13 March 2020). Activists urge Delhi CM Kejriwal to increase compensation for riot victims. *Outlook India*. Retrieved from <https://www.outlookindia.com/newscroll/activists-urge-delhi-cm-kejriwal-to-increase-compensation-for-riot-victims/1760743> [29 July 2020].

6. SUMMARISING KEY POINTS

- **Creation of a facilitative environment for the violence:** The introduction and passage of the CAA and the nation-wide protests that it engendered also gave rise to exclusionary counter-narratives and hate speech that incited and stoked the flames of communal violence. This culminated in the communally charged Delhi election campaign, which was eventually won by the Aam Aadmi Party without challenging the vitriolic content of its main opposition. This gave rise to well publicized gun-wielding vigilantes. The environment was as charged as a powder keg that just needed a spark to erupt. Kapil Mishra's provocative speech in Jaffrabad, and the incendiary Facebook Live posts by Ragini Tiwari *aka* Janki Behen, appear to have had that effect; bolstered by rumour and misinformation on social media – the perpetrators often instrumentalized social media to mobilise and mount attacks. Factors that contributed to the rapid escalation and horrific consequences include the ambiguity of the role of police, combining deliberate inaction, with selective acts of complicity with Hindu rioters, participating in striking terror amongst Muslim victims, acting with impunity in the full gaze of mobile phone webcams, television cameras, and the media, and of course, an administration that clearly failed to mobilise and activate the resources necessary for its effective containment.
- **The violence had multiple aspects:** The violence that unfolded over 23-26 February 2020 had multiple aspects and fallouts. It raises central questions about whether the perpetrators were outsiders or locals – combined reading of several news reports suggests outside coordination planning and support, strategic deployment of rampaging mobs who ravaged properties and attacked people without hindrance, and local vigilantism and complicity given the precision with which within localities, households, establishments, and property were targeted. Social media played a key role in mobilization and coordination of attacks as well as the circulation of rumours and misinformation aimed to incite. Further, gender-based violence has been used as an instrument of violence and intimidation.
- **Failure of law and order:** The police's inaction, complicity, and impunity contributed to the escalation of the violence. Moreover, delayed response until 26 February 2020 allowed the violence to continue unabated which resulted in mounting loss of lives. The failure of the law and order situation arose as a result of reported incidents of police partaking in the violence, providing tacit support to Hindu mobs, and failing to take appropriate action to staunch the loss of lives, livelihoods, and properties. Further, the police also prevented aid from reaching the injured by stopping ambulances from entering riot affected areas.
- **Inadequate relief and rehabilitation:** There are substantial gaps in compensation promised versus delivered. Reasons can be pegged down to tedious, obscure processes,

opaque mode of assessment and lack of proper documentation provided by authorities in cases where FIRs of two individuals are clubbed together which hinders them from claiming compensation. Further, civil society activists have pointed out that amounts of compensation are inadequate and lower than what was offered during the Muzaffarnagar riots.⁸⁸⁷

- **Political parallelism in investigation:** The 'narrative' and 'chronology' in the Delhi Police charge-sheets have hinted at a concerted conspiracy by anti-CAA protestors to defame the Narendra Modi-led government during the visit of the US President, as 'Muslim provocation' vs. 'Hindu retaliation', and omission of key leaders of the Bharatiya Janata Party (BJP) – the party currently forming the Central Government. The latter despite their incendiary speeches reportedly acting as a trigger to incite the mob. Multiple news reports have highlighted that the police inaction and incidents of impunity and complicity on part of the police forces. It reflected a high degree of political parallelism with the political narrative put forward by the Central government and ruling party. Moreover, the police chose to base their 'analysis' of the event on selective aspects of the witness statements that conform to their existing narratives.

⁸⁸⁷ The Wire Staff. (14 March 2020). Rights Groups Lament Slow Pace of Disbursal of Compensation for Delhi Violence. *The Wire*. Retrieved from <https://thewire.in/rights/rights-groups-compensation-delhi-violence> [30 July 2020].

7. RECOMMENDATIONS

- **Formation of an independent multi-stakeholder accountability team:** Given the high degree of political parallelism in the police investigation and complaints and reports of police inaction, complicity, and impunity – there is an urgent need to form a multi-stakeholder accountability team for impartial review of evidence, investigation process, damage assessment, receipt of compensation, and citizen complaints. This would be the first step in re-building trust with the communities and provide assurance of an impartial investigation into the violence that ravaged lives and livelihoods.
- **Clear bottlenecks in relief and rehabilitation:** It is important to clear processual bottlenecks in compensation disbursement by publishing due process, standards of evaluating damage, and documentation required so that it can act as an accountability mechanism against Sub-District Magistrates who deviate from the process. Further, administration should initiate access to information drives in affected locations about compensation and claims to ensure maximum dissemination.
- **Institute adequate rehabilitation packages:** Raise remuneration and rehabilitation packages that are reflective of the losses suffered. Civil society organizations have called for compensation amounts to be raised to INR 25 lakhs in case of death from the existing INR 10 lakhs; ex gratia for death of minors to be raised to INR 25 lakhs from existing INR 5 lakhs; a higher compensation of Rs 8 lakh for permanent incapacitation; Rs 3 lakh for serious injury; and Rs 30,000 for minor injury.
- **Establish strong witness protection protocols:** Given the precarious position of witnesses and the likelihood of intimidation they might be likely to face – the police should establish strong witness protection protocols to ensure the safety and security of the witness to prevent subversion of justice.
- **Publish official list of deaths, disappearance, and grievous harm:** While there have unofficial compilation of lists of people who have died during the violence, there should be an official acknowledgement and release of a list of deaths due to violence. Further, several riot-hit families are struggling for information about missing family members and the police have refused to register their complaints on many reported occasions or refused to divulge details of arrested/ detained persons. The administration should initiate a drive to register missing person reports as a result of the violence, compile and publish a list of missing persons, and convey information to families. The administration should further initiate a drive to register those who have suffered grievous harm leading to loss of livelihoods to fast-track compensation claims.
- **Publish official account of extent of compensation promised versus extent of compensation disbursed:** Given the reported gaps in compensations declared and

disbursed – the administration should publish and maintain an official tracker that shows the status of compensation disbursements and establish protocols and timeframes within which applications should be disbursed.

- **Undertake trust and accountability drives with communities:** In light of the fear and displacement caused by the violence, trust and accountability drives should be undertaken by the administration and police forces and with and among communities to ensure displaced people feel it is safe and secure to return to their homes and work towards starting to rebuild their lives.

Annexure 1 — Profiles of the Deceased⁸⁸⁸*Ashfaq Hussain, 22*

Ashfaq ran an electrical shop in Chand Bagh. He was killed in Brijpuri at 6pm on 24 February. He had five bullet injuries on his body and had got married only 10 days earlier on 14 February 2020.

Mohammad Sulaiman, 27

Sulaiman was a resident of Hapur district in the northern state of Uttar Pradesh. He worked as a labourer in Northeast Delhi's Karawal Nagar area. On 25 February he left for his work but never came back. His body was identified days later by his family in the mortuary of a government run hospital.

Akbari, 85

Akbari was the oldest victim of Delhi violence; she died on 26 February after house in Gamri village was set on fire. Her son Salmani operated a garments workshop on the first two floors of his house.

Musharraf, 35

Musharraf a labourer lived in Mustafabad. His family alleged he was dragged by a Hindu mob from their home and beaten to death.

Shaban, 22

Shaban worked a welder and originally belonged to Bulandshahr district of Uttar Pradesh and was living in Mustafabad. On 24 February he left his home to get a welding machine from a contact in Chand Bagh area, but never returned. His family searched for him for three days. Their search ended at Guru Teg Bahadur (GTB) Hospital mortuary on 28 February.

Dilbar Singh Negi, 20

Dalbir worked at a sweets shop in Shiv Vihar. After having his lunch on 25 February he was taking a nap in his godown when the rioters came. His family alleged that the

⁸⁸⁸ Kuchay, B. (2020). Killed by hate. *Al Jazeera*. Retrieved from <https://interactive.aljazeera.com/aje/2020/delhi-riots-portraits/index.html> [24 July 2020].

attackers cut his limbs and set him on fire. The family said that they got to know about his death two days later.

Sonu, 32

Sonu's family has said that he died of a heart attack hours after he saw a Hindu mob in his Bhajanpura neighbourhood killing a Muslim man. He died in early hours of 28 February.

Nitin Kumar, 15

Nitin Kumar was the youngest victim of Delhi violence. He was an eighth grade student at a government school. His father Ram Sugarak, 48, said he had gone out on 26 February to buy chowmein. Half an hour later, Sugarak received a call from his family saying Nitin could not be found. He came back and looked for him too. The locals then told him that the police had taken the injured to GTB Hospital. When Sugarak reached hospital, Nitin was still breathing. After few hours he died.

Babbu, 30

Babbu was an auto-rickshaw driver and lived in Khureji Khas area of Northeast Delhi. On 25 February he was returning home to have his lunch when he was attacked by a mob. His family received a call about him lying in a pool of blood on the road. He was rushed to Guru Teg Bahadur (GTB) Hospital. On 27 February Babbu died.

Mubarak Hussain, 31

Mubarak had come from Madhubani district in Bihar and worked as a labourer in Maujpur area. On 25 February he was hit by a bullet in his chest and died on the spot.

Monis, 22

Monis was from Hardoi district of Uttar Pradesh and was living in Mustafabad area since 10 years. He worked as a daily wage labourer, on 25 February he stepped out of his home. At 4pm he told his cousin he was on his way back home but never reached and his family was not able to reach his phone either. His body was found in the mortuary on 28 February.

Mohsin Ali, 24

Mohsin used to rent and repair electrical generators from his shop. He lived with wife and younger brother in Noida, Uttar Pradesh. On 25 February he received a call about renting a generator for a wedding in Northeast Delhi. The next day his charred car was found near Khajuri Khas area.

Vir Bhan, 45

On 27 February, Bhan was returning home from work on his motorbike with his son. He worked in a factory that made jeans and other garments in Maujpur. He fell from his vehicle near Shiv Vihar after he was hit by a bullet, his relatives said. Bhan, originally from Sadpura in the western state of Rajasthan, had been living in Northeast Delhi for the last five years.

Mehtab, 22

Mehtab, a resident of Brijpuri, had gone out to buy his grocery on 25February. While returning back, he saw that the Iron Gate in his lane was locked and decided to take another lane. But he was attacked by rioters and later succumbed to his injuries.

Prem Singh, 27

Prem Singh lived with his pregnant wife and three daughters - aged nine, five and three - in a rented accommodation in Brijpuri. A resident of Kasganj district in Uttar Pradesh, he had been working in Northeast Delhi as a rickshaw-puller for five years. On 25February, he left his home for work but never returned. His neighbours identified his body in the mortuary of the GTB Hospital.

Aqil Ahmad, 40

Aqil, worked in a car workshop, he left for work on 26February. When he didn't return home that evening, his anxious family searched for him. The search lasted three days before they found him dead in the GTB Hospital mortuary.

Rahul Thakur, 23

Thakur lived in Brijpuri, where he was preparing for the Staff Selection Commission examination, which would have gotten him an administrative job with the government. His family told that as violence began on 25February, he stepped out of his home to see what was going on. Within minutes, he was shot in the chest.

Aamir, 30, and Hashim, 19

The two brothers were killed on the evening of 26 February when they were returning to their home in Mustafabad from their grandmother's house in Uttar Pradesh. Their bodies and the burnt motorcycle were found by police in a canal on February 27. Aamir, a father of two daughters aged seven and three, worked as a scrap dealer while Hashim worked in a garments factory.

Mudasir Khan, 36

Mudasir was a scrap dealer in Mustafabad. His father said that on 24February, he left home for work but did not return. The family received a call from him in the evening,

in which he said he had decided to stay in the neighbouring Kabir Nagar due to the violence. Next day, as he was on his way home, stone pelting started near Kardampuri and someone shot him in the head.

Zakir Saifi, 28

Zakir Saifi was offering his afternoon prayers at the Farooqia Masjid in Mustafabad when a Hindu mob chanting "Jai Shri Ram" (Hail Lord Ram) entered the mosque and began attacking the devotees. Saifi was rushed to a local nursing home where doctors told his family he should be taken to a bigger hospital where he could get treatment. In the absence of any vehicle or ambulance, his family took him on a cot to Al-Hind Hospital in Mustafabad where doctors declared him brought dead.

Salman, 24

Salman lived in Alvi Nagar, a neighbourhood in Ghaziabad, one of the satellite cities of New Delhi Loni in Uttar Pradesh. He worked as a tailor in Mustafabad. On his way home on February 24, he was caught by a mob in Shiv Vihar and shot in the head, his family told Al Jazeera. He was on a ventilator when his family found him in the GTB Hospital where he breathed his last a couple of days later.

Aqib, 19

Aqib a resident of Mustafabad, was a ragpicker. On 26 February, he was attacked by the rioters in Bhajanpura and put in the Intensive Care Unit of the GTB Hospital for a week. He died on 2 March. His father said "The attackers had beaten him on his head. We don't know who took him to the hospital," his father Ikraam.

Mohammad Hamza, 25

Hamza, belonged from Meerut in Uttar Pradesh, came to Delhi in January. He was working at an eatery selling chowmein and pizza. Hamza, was staying with his sister's family in Mustafabad, and went missing on 26 February. His family alleged that police filed a missing report only after a local court intervened. Their search for Hamza ended at the hospital's mortuary on 5 March. Hamza's family said his body was found in a canal in the area with several injuries in the head.

Rahul Solanki

Solanki was an engineer and lived in Babu Nagar. His father Hari Singh Solanki, 50, said that around 5.30pm on 24 February, he went out to buy milk from the nearby dairy. "Within 15 to 20 minutes of him leaving the house, we got reports that he had been shot. He had a gunshot wound to his throat," he said. The family took him to a local nursing home where they were told to go to the GTB Hospital. Due to intense violence on the way, the family decided to take him to a hospital in Ghaziabad's Loni area. Solanki passed away before they could reach the hospital.

Bhure Ali, 27

On 26 February, Ali, a resident of Loni's Raghunath Colony, left home at around 9am for work in Brijpuri in Mustafabad. When he did not return home in the evening, his family began calling on his phone but it was switched off. They searched for him for almost a week before they identified his body in Ram Manohar Lohia Hospital on 3 March.

Sanjit Thakur, 33

Thakur was a welder and lived in Khajoori Khas. Once violence started on 25 February in his area, he went out with his neighbours to guard the gates of their locality. He returned a few hours later with serious injuries to his head, chest and feet, purportedly from the heavy stone pelting in the area. The next day, the violence reached the nearby lane. Sanjit was alone in his house with his infant son. At around 2pm, his family received a call that Sanjit has been found hanging by the ceiling fan in his room. His son was fast asleep on the bed in the same room. The family still doesn't know why he took such a step. His wife Sudha Thakur, 28, however suspects he feared for his life once violence started. She also feels her husband killed himself since he felt he would not be able to go to work anymore or provide for his family.

Ankit Sharma, 26

Ankit Sharma was an Intelligence Bureau official, He was a resident of Khajoori Khas and had stepped out of his house on 25 February to see what was happening in his neighbourhood. His body was found in a nearby drain a day later. Right-wing news channels and publications claimed he was stabbed 400 times and his intestines pulled out. But his post-mortem report said he was stabbed 12 times and received 51 injuries in all. At least six Muslims have been arrested so far for Sharma's murder.

Parvez, 52

Parvez, a social worker, was shot right outside his house on 25 February. His family said he had been persuading the Hindus and Muslims in his neighbourhood to not participate in the rioting and stay united. On 25 February, he was shot in the back a few metres away from his house, when he was trying to talk to people. He was rushed on a scooty to the GTB Hospital, where he succumbed to his injuries.

Maroof, 34

Maroof ran an electrical appliances shop. He, along with both Hindu and Muslim residents of his neighbourhood, were guarding their area when a mob chanting Hindu slogans fired on them. A bullet hit Maroof in his right eye. Two hours later, he breathed his last at Lok Nayak Jai Prakash Narayan Hospital.

Ayub, 50

Ayub, a ragpicker, lived in Loni's Nasbandi Colony with his 18-year-old son, Salman. The Delhi violence had forced them to stay home. But on 28 February, Ayub told Salman he could not stay home any longer and went out in search of work. He was attacked by a mob in Shiv Vihar and forced him to chant Jai Shree Ram (Hail Lord Ram), his son alleged. He was brought home by two men. Salman said he borrowed Rs 500 (\$7) from a neighbour to take his father to a nearby hospital, where the doctors referred him to the GTB Hospital. Ayub died before making it to that hospital.

Faizan, 23

Faizan was a tailor and lived in Kardampuri. On the afternoon of 24 February, he left his home. Hours later, he was among a few men lying wounded on the road as police officers forced them to chant the national anthem. A mobile video recording of the incident went viral. At around 8pm, a neighbour told his family that he had seen Faizan in a hospital. His family alleged that despite his injury, police kept him in custody and didn't allow them to meet him. On 25 February at around 11pm, the family received a call from the police asking them to take him home. His mother said "He was beaten so badly that he couldn't stand on his feet. The whole night at home, he cried with pain".

Next morning, the family took him to a hospital where he breathed his last.

Mohammad Furqan, 32

On 24 February, Furqan's family, which lived in Kardampuri, received a call saying he had been hit by a bullet. His brother Mohammad Imran said that by the time he reached the hospital, he had already died.

Ishtiyag Khan, 27

On the afternoon of 25 February, Khan went out to buy groceries from a nearby store. He was shot in his abdomen roughly 100 metres away from his home. His family took him to GTB Hospital, where he died an hour and a half later.

Mohammad Yusuf, 53

Yusuf, a resident of Mustafabad, was a carpenter. On 25 February, he and his son Sulaiman had gone to Greater Noida on the outskirts of New Delhi for work. At 3:48pm, they called home to say they were near Loni, 5km (2 miles) from Mustafabad. A mob of around 100 men stopped the two upon seeing a long beard on Yusuf's face. The father-son duo was badly beaten. Sulaiman fell unconscious and they were taken to hospital by people there. Three days later, the family came to know Yusuf died at GTB Hospital.

Jamal-ud-Din, 33

Jamal-ud-Din worked at a bakery in Shiv Vihar. On 25 February, his family came to the neighbouring Babu Nagar area to stay at a relative's house. Two days later, when extra forces were deployed in the violence-hit areas of New Delhi and news of the improving situation appeared on television, Jamal-ud-Din and his brother Nizam-ud-Din, 38, decided to visit Shiv Vihar to see if their home was safe. There, a mob of 30-40 people stopped them and asked for their identification. When the mobs found out the two were Muslims, they were hit by an iron rod, said Nizam-ud-Din. Jamal-ud-Din died on the spot while his brother received fractures on both his arms and a leg and injuries on his head and back as well. The family now lives in a shelter for the displaced families in Mustafabad.

Mohammad Anwar Qassar, 58

Qassar also was burnt to death on 25 February. A resident of Shiv Vihar, Qassar had been living by himself for almost a decade. His son-in-law Nasruddin said Qassar was shot and his body was set on fire. The family buried just one of his legs since the rest of his body wasn't found.

Jamil Kuraishi, 24

Kuraishi worked as a mason and lived in New Delhi's Chaman Park area for the last eight years. On 24 February, his mother sent him out to get provisions but he never returned home. His mother thought he might have taken refuge at some place. Days later, his body was found in GTB Hospital's mortuary. "His throat was cut and he had a hole on his nose," his brother Mohammad Javaid said.

Aas Mohammad, 30

Aas Mohammad, a daily wage worker, left home for work on 25 February and did not return. His family filed a missing report. Days later, they received a call from the police, which called them to the station to show pictures of bodies lying in different hospitals. His father Tahseem, 60, identified his son's body through his clothes. Police told them the body was found in a drain near Shiv Vihar.

Aftaf, 21

Aftaf had come to New Delhi only five days before he was killed. On 26 February, he was allegedly taken out from a godown by a Hindu mob and brutally attacked. The godown was set on fire. Police found his body in a drain. His family said they identified his body at Ram Manohar Lohia Hospital by his clothes and a mole on his chin.

Shahid Khan, 20

Shahid lived in a rented house in Mustafabad and drove an auto rickshaw for a living. On the afternoon of 24 February, he left his home. At around 6pm, his family received a call that he had been shot near a nursing home in Yamuna Vihar, 3km from his residence.

Vinod Kumar, 51

Kumar was a professional disc jockey (DJ). At around 10pm on 24 February, he and his son, 25-year-old Nitin Kumar, left home on a motorcycle to buy medicines from a store 500m away. On their way, Nitin was hit by a stone and the two fell from their vehicle. Soon they were surrounded and attacked by a Muslim mob carrying sticks and stones. Their motorcycle was set on fire. When the mob left, they were helped by a local who took them to a local hospital where his father died an hour later. Nitin was given 42 stitches in his head.

Naresh Kumar Saini, 33

Saini sold vegetables for a living. On 24 February, masked men entered his area and set houses on fire. Saini was shot in the abdomen and he succumbed to his injuries a day later.

Irfan, 28

Irfan was out buying groceries when he was attacked by a mob carrying rods, sticks and swords. His mother Quresha, 60, said that she was walking behind her son and witnessed him being beaten to death.

Shan Mohd, 35

Shan was a resident of Loni in Uttar Pradesh.

Ratan Lal

Ratan Lal served as a constable in the Delhi Police and was shot while he was trying to control the violence in Northeast Delhi's Gokulpuri area on 24 February. The bullet that killed Lal entered from his left shoulder and was recovered from his right one.

Mursaleen Mallik, 28

A resident of Chaman Park, Mallik was a scrap worker. He went missing on 24 February and his body was found by his family at the GTB Hospital mortuary. The body was handed over to the family on March 13 after a DNA test.

Dinesh Kumar, 28

Dinesh Kumar worked as a salesman at an electrical shop. On 25 February, he left home for the market and was shot in the head.

Deepak Kumar, 32

Originally from Bihar's Arrah district, Deepak Kumar was a factory worker and lived in Northeast Delhi's Mandoli area. On 24 February, the father of three children went out to buy clothes when he was attacked with swords and left badly wounded. He was rushed to the hospital but he succumbed to his injuries.

Amaan Iqbal, 17

Amaan Iqbal was a ninth grade student. On 25 February at around 3:30 pm, his father Iqbal Ahmad told him to get milk from the market. When he couldn't find any, he told his father he would get it from the neighbouring Jaffrabad locality, barely 200m from their home in Seelampur. He was shot in the head outside an alley. Iqbal worked at a tea factory for a monthly salary of 9,000 rupees (\$130). Fifteen days before the riots broke out, Amaan had started learning wood-carving work to help his family and fund the education of his two sisters.

Arshad Alam, 22

Alam was a house painter. On 24 February, he left for work at New Delhi's Jamna Vihar area. When he didn't return home for several days, his family filed a police report. On March 1, they received a call from police to identify his body in a hospital. His father Mohammad Naseem Alam said that he had bullet injuries in his right leg and hand, but accused the police of not including it in the post-mortem report.

Nazeem Khan, 35

Nazeem was working as a scrap dealer in Delhi.

Alok Tiwari, 24

Alok was working in a cardboard factory and was living in Karwal Nagar.

Annexure 2 — Hospital Records – PMSF Fact-Finding Report

Following hospital records are being reproduced from pages 33 to 39 of the “Progressive Medicos and Scientists' Forum” fact-finding report “An Inquiry in to the Anti-Muslim Violence in Northeast Delhi by a Team of Doctors that Visited the Affected Area”. The records are of three hospitals:

- a. Guru Teg Bahadur (GTB) Hospital, Govt. of NCT of Delhi, Dilshad Garden, Delhi
- b. All India Institute Of Medical Sciences (AIIMS) Trauma Centre, New Delhi
- c. Safdarjang Hospital

GTB Hospital Brought dead patients (24.02.2020 to 26.02.2020)

<i>S. No</i>	<i>Detail of patient</i>	<i>Diagnosis</i>	<i>MLC No</i>	<i>Address</i>
1	Deepak 34/M	Stab	548/2/20	Mandoli, Delhi
2	Unknown 30/M	Stab	546/02/20	Mata Mandir Bhajanpura
3	Ishak Khan 24/M s/o Mohd. Assfaq	Gunshot	B-3369	B 11/75 Gali no. 6, Kabir Nagar, Welcome
4	Md. Muddasar 30/M	Gunshot	549/02/20	Gali no. 2 Mustafabad, Delhi
5	Vir Bhan, 50/M s/o Kiran Phool	Gunshot	D/46/25	H.No. 52/35A Vijay Park, Maujpur
6	Md Mubarak Hussain, 28/M, s/o Md Ibrahim	Gunshot	D/66	Gali No. 27, Vijay Park, Maujpur
7	Shan Mohd, 35/M	Gunshot	D/43	Loni
8	Pravesh, 48/M	Gunshot	D/59	Bapu Ram Chowk, Maujpur
9	Unknown, 70/F	Burn Injury	D/69	Unknown
10	Zakir, 24/M	Multiple stab Injury	D02/26	New Mustafabad

11	Unknown 40/M (Mustafabad)	Gunshot	D04/26	Unknown
12	Mehtab, 22/M (Mustafabad)	Assault & Burn	D03/26	Brijpuri
13	Asfak, 22/M (Mustafabad)	Stab & Gunshot	D01/26	Unknown
14	Unknown, 22/M	Assault	D-52	Unknown
15	Unknown, 25/M	Assault	BD539/02/2020	Unknown
16	Rahul Solanki, 26/M (Shiv Vihar)	Gunshot	BD542/02/2020	Babu Nagar
17	Shahid, 25/M	Gunshot	BD540/02/2020	Mustafabad
18	Mohd Furkan, 30/M	Assault	BD538/02/2020	Kardampuri
19	Rahul Thakur, 23/M	Assault	DL-14	Brijpuri
20	Ratan Lal, 42/M	Assault	BD537/02/2020	Gokalpuri
21	Ankit Sharma, 26/M, s/o Ravinder Sharma	Assault	BD753/03/2020	Chand Bagh Pulia
22	Dilbar	Burn	BD754/03/2020	Chaman Park

GTB Hospital Mortality in Dept. of Neurosurgery as on 27.02.2020

S. No	Name of the patient	Age/ Sex	Date of Admission & time	Date of Death & time	CT Findings	Clinical Condition	Management
1	Unknown	45y/ M	26/02/20, 10:58	26/02/20, 11:55AM	CT was not done as patient in critical	E1VTM1 multiple lacerated wounds over head & face	Intubation in casualty with conservative management as per the standard ATLS guidelines
2	Unknown (Nitin)	23y/ M	26/02/20, 16:01	27/02/20, 04:12 AM	Depressed fracture right occipital bone with DAI	E1VTM3	Intubation casualty with conservative management as per the standard ATLS guidelines
3	Salman	24/M	24/02/20, 18:54	27/02/20, 04:09 AM	Gunshot injury with bullet in left occipital region with IC bleed	E1VTM1 Pupil dilated fixed, brainstem reflexes absent	Intubated/ Conservative
4	Babbu	32y/ M	25/02/20, 18:35	27/02/20, 08:10	CT was not done as patient was critically sick	E1VTM1 Pupil dilated fixed, Chest injury	Intubation/Conservative/ICO insertion
5	Unknown (Dinesh)	35y/ M	25/02/20, 19:34	26/02/20, 03:40PM	Gunshot injury, NCCT head was not done as patient is critically sick	E1VTM1 Severe head injury Bilateral Pupil dilated & fixed	Intubated/ Conservative as per the standard protocol
6	Alok Tiwari	32y/ M	26/02/20,0 4:14	26/02/20, 12:37PM	Multi SAH, left frontal temporal and parietal region with multiple hemosinus and fracture	E1VTM3	Intubated/ conservative
7	Unknown	22y/ M	25/02/20,0 9:16	25/02/20, 09:18	CT was not done in view	Poor GCS	Conservative

Patients admitted in Dept. of neurosurgery, GTB Hospital, till 27.2.20 during the riots

S.No	Name	Age/Sex	MLC No.	Bed No.	GCS	Diagnosis
1	Vivek Chaudhary	19y/M	D-42	10 (NSW 381)	E4V5M6	Penetrating injury in brain
2	Irfan	25y/M	Ref JPC 692	04 (NSICU)	E1VETM1	Severe head injury(SAH multiple contusion, cerebral edema)
3	Rahul Pal	21y/M	D-72	12 (NSW 381)	E4V5M6	Fracture frontal bone
4	Nasir	33/M	D-41	01 (NSW 378)	E4V5M6	Globe rupture with contusion(Bullet injury)
5	Unknown (Sharukh)	25y/M	D-18	16 (NSW381)	E4V5M6	SAH /contusion, globe injury
6	Unknown (Lokman)	38y/M	D-44	15(NSW375)	E4V5M6	SAH with extra axial bleed
7	Asad	18y/M	D-27	02(NSW378)	E4V5M6	Normal brain study
8	Babita	40y/F	D-65	10 (NSW375)	E4V5M6	Fracture frontal bone
9	Talib	40y/M	A/709/10/2020	07 (NSW375)	E4V5M6	Depressed fracture frontal bone with eye swelling
10	Unknown (Taj)	20y/M	D-20/26	07(NTE 380)	E4V5M6	DAI with

Surgeries performed on riot victims at GTB Hospital

Sr.	Date	Name	Age/Sex	Cr. No.	Diagnosis
1.	24.2.2020	Nitesh	17/M	18075	Gunshot injury
2.	24.2.2020	Sameer	15/M	18091	Gunshot injury
3.	24.2.2020	Sagir	20/M	18122	Gunshot injury linguinal region
4.	24.2.2020	Rizwan	37/M	18132	Gunshot injury abdomen
5.	24.2.2020	Shahalam	40/M	18137	Gunshot injury L clavicular region
6.	24.2.2020	Akib	18/M	18069	R fronto parietal EDH
7.	24.2.2020	Naresh	32/M	18218	Gunshot injury
8.	25.2.2020	Sagir	20/M	18122	F/U/C/O & bladder repair with SPC
9.	25.2.2020	Aslam	32/M	18077	Crush Hand L
10.	25.2.2020	Akram	22/M	18084	Crush Injury R Hand
11.	25.2.2020	Shakeel	38/M	18114	Crush Hand R
12.	25.2.2020	Shandatt	35/M	18362	Stab injury abdomen
13.	25.2.2020	Rahul	22/M	18400	Firearm injury
14.	25.2.2020	Unknown	/M	18406	Gunshot injury
15.	25.2.2020	Saif	16/M	18357	Firearm injury suprapubic area
16.	25.2.2020	Yatender	35/M	18380	Open knee injury with bullet
17.	25.2.2020	Rajbir Singh	50/M	18408	Maxillofacial trauma
18.	25.2.2020	Danish	22/M	18428	Firearm injury L knee
19.	25.2.2020	Vivek	19/M	18407	Foreign object in skull
20.	25.2.2020	Shahrukh	21/M	18379	Gunshot injury with penetrating renal
21.	25.2.2020	Saifuddin	36/M	18099	Open fracture both bone leg L
22.	25.2.2020	Sunil Kumar	38/M	18391	Open fracture both bone leg L & R calcaneun
23.	25.2.2020	Sonu	22/M	17839	Open fracture both bone forearm L
24.	26.2.2020	Faizan	14/M	18442	Firearm injury with bullet in Situ (L3-L4)

Details of patients admitted to the Surgery department of AIIMS Trauma Centre

Name	Age/Sex	Diagnosis	Treatment given
Sagir	20/M	Firearm injury in left inguinal region	EL + Bladder repair + SPC
Sameer	15/M	Gunshot injury left chest	Thoracotomy
Rizwan	37/M	Gunshot right upper chest	EL + Loop ileostomy
Shah Alam	40/M	Left open pneumothorax	Packing of sucking wound
Naresh Saini	35/M	Right hemothorax with liver	
Muhammad Shahid	35/M	Firearm injury right posterior chest with lung contusion	Conservative management given and (For discharge)
Saif	16/M	Firearm injury abdomen with ileal perforation	EL + RP (For discharge)
Som Dutt	35/M	Multiple stab injury abdomen and back	
Ravi	22/M	Firearm injury abdomen (admitted in ICU with poor prognosis)	Left nephrectomy + Left diaphragmatic repair
Mumtaz Ali	61/M	Physical assault with fracture Maxilla, multiple fractures ribs, and fracture of left Scapula	Left ICTD

Details of a victim of acid attack who died in burns ward of Safdarjang Hospital

Name: Deepak Verma s/o Subhash Chand Verma

Age / Sex: 23 years / Male

Central Registration Number: 19335

Date of Admission: 29 February, 2020

MLC No.: D-2/29

Diagnosis: 3 to 5 percent chemical burn

Address: House No. 159/3, Gali No. 5, B Block Nullah Road, Kamal Vihar,
Near Sardar Patel School, Karawal Nagar Delhi - 110094.

Annexure 3 — Open Letter from Julio Ribeiro, former DGP Gujarat, DGP Punjab, and Indian Ambassador to Romania, to S.N. Shrivastava, Commissioner, Delhi Police.

Dear Shri. Shrivastava,

I write to you with a heavy heart. As a true patriot and a former proud member of the Indian Police Service I appeal to you to ensure a fair probe into the 753 F.I.Rs registered against peaceful protestors who rightly apprehend injustices born from bias and hate against a minority community.

The Delhi Police has taken action against peaceful protestors but deliberately failed to register cognizable offences against those who made hate speeches which triggered the riots in N.E. Delhi. It troubles sane and apolitical persons, like me, why Kapil Mishra, Anurag Thakur and Parvesh Verma have not been arraigned before the Courts of law while deeply-hurt Muslim women, peacefully protesting against discriminations based on religion, were lodged for months together in jail.

The not-so-subtle attempt by the Delhi Police to entangle true patriots, like Harsh Mander and Prof. Apoorvanand, in criminal cases is another matter for concern. We, the police forces in the land, and its leadership drawn from the Indian Police Service, have a duty and obligation to respect the Constitution and the enacted laws, impartially without regard to caste, creed and political affiliations.

Kindly revisit the actions of the police under your command in Delhi to determine if they have been true to their oaths taken at the time of their induction into service.

Yours sincerely,

Julio Ribeiro
I.P.S. (Retd.) 53 MAH

11th September 2020

Annexure 4 — Open Letter from nine eminent retired IPS officers endorsing the letter from Julio Ribeiro to S.N. Shrivastava, Commissioner, Delhi Police

Shri S.N.Shrivastava, IPS
Commissioner of Police, Delhi
cp.snsshrivastava at delhipolice.gov.in

Dear Shri Shrivastava,

We, the undersigned, are retired officers of the Indian Police Service and belong to a larger group of retired officers belonging to different services and known as Constitutional Conduct Group (CCG). Mr Julio Ribeiro is a living legend of an IPS officer (as one publication put it) and is one of the most valued members of the CCG. We would like to endorse the letter he has written to you regarding the flawed investigation into the Delhi riots.

In addition, we would like to say that it indeed is a sad day in the history of Indian police that investigations and challans submitted in the court by Delhi Police in connection with riots of this year are widely believed to be partisan and politically motivated. It pains all those police officers, serving as well as retired, who believe in upholding the rule of law and our Constitution.

We were sad to note that one of your Special Commissioners had tried to influence investigations claiming resentment among Hindus over the arrest of some rioters belonging to their community. Such a majoritarian attitude in the police leadership leads to a travesty of justice for the victims of violence and their family members belonging to minority communities. This would further mean that real culprits of the violence belonging to majority community are likely to go scot free.

What pains us more is implicating all those who spoke and joined protests against Citizenship (Amendment) Act (CAA). They were simply exercising their fundamental rights of freedom of speech and peaceful protests as guaranteed by the Constitution. Basing investigations on “disclosures” without concrete evidence violates all principles of fair investigation. While implicating leaders and activists, who expressed their views against CAA, all those who instigated violence and are associated with the ruling party have been let off the hook.

Such investigation will only make people lose faith in democracy, justice, fairness and the Constitution. A dangerous thought that may ultimately shake the pillars of an orderly society and lead to breakdown of law and order.

We would, therefore, earnestly request you for reinvestigation of all riot cases fairly and

without any bias based on sound principles of criminal investigations to provide justice to the victims and their families and for upholding the rule of law.

Yours sincerely,

Shafi Alam, IPS (Retd.), Former Director General, National Crime Records Bureau, GoI

K. Saleem Ali, IPS (Retd.), Former Special Director, CBI, GoI

Mohinderpal Aulakh, IPS (Retd.), Former Director General of Police (Jails), Govt. of Punjab

A.S. Dulat, IPS (Retd.), Former OSD on Kashmir, Prime Minister's Office, GoI

Aloke B. Lal, IPS (Retd.), Former Director General (Prosecution), Govt. of Uttarakhand

Amitabh Mathur, IPS (Retd.), Former Director, Aviation Research Centre and Former
Special Secretary, Cabinet Secretariat, GoI

Avinash Mohananey, IPS (Retd.), Former Director General of Police, Govt. of Sikkim

P.G.J. Nampoothiri, IPS (Retd.), Former Director General of Police, Govt. of Gujarat

A.K. Samanta, IPS (Retd.), Former Director General of Police (Intelligence), Govt. of West
Bengal

Annexure 4 — Relevant excerpts from the Justice Hosbet Suresh Memorial Lecture delivered by Justice Ajit Prakash Shah (Retd.), former Chief Justice of the Delhi High Court and former Chairman of the Law Commission of India.

Supreme Court in Decline: Forgotten Freedoms and Eroded Rights Justice Suresh Memorial Lecture, 18 September 2020 Justice Ajit Prakash Shah

Introduction

Good evening to all of you present here today. I would like to extend my thanks to Mr. Irfan Engineer for having organised this event, and invited me to be a part of it, and am delighted to be sharing the same space with Mr Dushyant Dave.

When Mr Engineer informed me that Justice Suresh was going to be posthumously awarded the Dr Asghar Ali Engineer Lifetime Achievement Award, it struck me that there could be no better person for this recognition.

I was fortunate to have met Dr Engineer once, and of course, known and appeared before Justice Suresh several times. Both men were similar in many ways. Both were activists in their own right. Dr Engineer was a reformist, and fought for change in the Dawoodi Bohra community, and his valuable contributions to studies in peace, non-violence and communal harmony are well-regarded. Equally, Justice Suresh was known, especially in his three decades of public life after retirement, for his path-breaking contributions to the human rights space. Wherever there were instances or occasions of human rights violations, ...

Eroded Rights

33. Another kind of repression that is happening, perhaps unprecedented in modern India, is the stifling of the right to protest and to free speech. The executive is spearheading this, and the judiciary is either tacitly agreeing with the executive overtly, or maintaining silence around the issue. If we want to boast about being citizens of a democratic nation, this ought to be the first thing that worries us.

34. Take the protests against the clearly unconstitutional Citizenship Amendment Act (CAA). The constitutionality of the law was challenged in the Supreme Court, but the Court itself avoided taking up the matter for flimsy reasons. Meanwhile, the government has desperately tried to silence protestors. Indeed, the government is using every imaginable means, to silence any and all dissenting opinion, and to clamp down on any alternate views that might exist. More problematically, the judiciary is watching all this happen by the sidelines, like a mute spectator, without uttering a word.

35. Different strategies are employed in different states. In Uttar Pradesh, its chief minister

said that he would take “revenge” against protestors, and that chanting ‘*azadi*’, or ‘freedom’, would amount to sedition! Police have been given license to run riot against peaceful protestors, by arresting them, destroying vehicles, and even entering homes. Targets tend to be young Muslims. A combination of charges under the National Security Act and the Goonda Act were used in UP.

36. But the burning issue in this context has surely been the Delhi riots. The government has been targeting those who express an honest view, and engage in honest protests, and even, on occasion, stage a play! Unarmed students have been attacked by the police. Anyone critical of the establishment, regardless of their intentions, such as Apoorvanand and Yogendra Yadav, are implicated at the slightest opportunity. The strategy in Delhi has been to charge individuals with criminal offences of rioting, unlawful assembly, criminal conspiracy, and that awful colonial legacy that is sedition, to name but a few, in conjunction with the (newly interpreted) Unlawful Activities Prevention Act (UAPA). Contrast this treatment of civilians with that of leading politicians of the ruling BJP who have publicly delivered inciteful speeches. Shockingly, no punitive action was taken against them. Instead, the one judge who showed some inclination to take action was conveniently transferred.

37. The arrests here have been to a template: if a person expresses a legitimate view against the CAA, he is promptly labelled an anti national, and the law enforcement machinery kicks in. It does not matter that the CAA is a blatantly unconstitutional law. The police says that the protesters sought to “execute a secessionist movement in the country by propagating an armed rebellion” in which “the anti-government feelings of the Muslims will be used at an appropriate time to destabilise the government.”

38. The former police officer, Julio Ribeiro, has pointed to the lack of a fair investigation in the Delhi riots, drawing similarities with the 1984 riots here. He rightly said that “riots recur in India because of the impunity accorded to one section by the political establishment of the day”. Police investigations in the riots have been based on mere “disclosures”, with no concrete evidence. Surely, this goes against all principles of fair investigation. By taking action against peaceful protestors, but deliberately failing to register cognisable offences against those making the hate speeches that triggered the riots in Delhi, the Delhi police has been accused of being partisan and politically motivated. With the police taking a majoritarian stance as well, effectively, the real culprits of the violence belonging to the majority community are allowed to get away.

39. Why are the political establishment, and the police so emboldened? Undoubtedly, it is because of the weak judiciary that we have in India today. Had the Supreme Court not remained a mute spectator, and had it intervened more proactively, all this would arguably not have happened. Instead, the Supreme Court conveniently declined to intervene, showing no urgency in wanting to deal with these problems. For weeks, the matters involving many of these issues (for example, the Delhi riots) kept getting

adjourned. Even where matters were heard and decided, when they were appealed, there was judicial silence. When the Allahabad High Court directed that protesters' photographs put on hoardings should be pulled down in 24 hours as the action was unsupported by law, in appeal by the UP government, the two-judge Supreme Court bench agreed with the High Court on the unlawfulness of the action, but it still mysteriously made a reference to a three-judge bench, effectively permitting the state to ignore the High Court order.

40. To make matters worse, the Supreme Court's April 2019 decision in *NIA vs. Zahoor Watali* on the interpretation of the UAPA has affected all downstream decisions involving the statute. This decision has created a new doctrine, which is that effectively, an accused must remain in custody throughout the period of the trial, even if it is eventually proven that the evidence against the person was inadmissible, and the accused is finally acquitted. The illogic of this veers on the absurd: Why must an accused remain in jail only to be eventually acquitted? According to the decision delivered by Justice Khanwilkar and Justice Rastogi, in considering bail applications under the UAPA, courts must presume every allegation made in the First Information Report to be correct. Further, bail can now be obtained only if the accused produces material to contradict the prosecution. In other words, the burden rests on the accused to disprove the allegations, which is virtually impossible in most cases. The decision has essentially excluded the question of admissibility of evidence at the stage of bail. By doing so, it has effectively excluded the Evidence Act itself, which arguably makes the decision unconstitutional. Bail hearings under the UAPA are now nothing more than mere farce. With such high barriers of proof, it is now impossible for an accused to obtain bail, and is in fact a convenient tool to put a person behind bars indefinitely. It is nothing short of a nightmare come true for arrestees.

41. This is being abused by the government, police and prosecution liberally: now, all dissenters are routinely implicated under (wild and improbable) charges of sedition or criminal conspiracy AND under the UAPA. Due to the Supreme Court judgement, High Courts have their hands tied, and must perforce refuse bail, as disproving the case is virtually impossible. As a result of this decision, for instance, a High Court judge can no longer really *adjudicate* and assess the evidence in a case. All cases must now follow this straitjacketed formula of refusing bail. The effect is nearly identical to the draconian preventive detention laws that existed during the Emergency, where courts deprived people access to judicial remedy. If we want to prevent the disasters of that era, this decision must be urgently reversed or diluted, otherwise we run the risk of personal liberties being compromised very easily.

42. This abuse of the UAPA and constant rejection of bail applications of accused as a means of silencing opposing voices can be seen most in the Bhima Koregaon cases, where mere *thought* has been elevated to a crime. In this matter, involving the arrests of many individuals, the so-called evidence was a typed, unsigned, undated document already in the ...



“...When the State’s version of incidents becomes suspect and unacceptable due to trust deficit, it is imperative that an alternative version of the facts observed by the populace is also presented and publicized. This report is the culmination of such a collective effort. As to whether the material presented in this report represents facts, or mere perspective vision of the events, is for the reader to judge.

“With the heart rending experience gathered during the Commission of Inquiry that went into the riots and violent incidents in Mumbai during December 1992-January 1993, and the sense of apathy towards the victims of such riots that was clearly discernible there, I could not but get a feeling of *deja vu* while reading this report. It is time that the State machinery and Constitutional functionaries display greater seriousness in investigation of the causes of such riots and take appropriate steps to prevent their recurrence.”

Justice B.N. Srikrishna

Former Judge, Supreme Court of India

Extracted from the Prologue to the Report



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